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RACIAL DISCRIMINATION
Forty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Twelfth periodic reports of States parties due in 1992

Addendum

TUNISIA*

[6 April 1993]

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* This report contains the ninth, tenth, eleventh and twelfth periodic reports which were due, respectively, on 5 January 1986, 5 January 1988, 5 January 1990 and 5 January 1992. For the seventh and eighth periodic reports submitted by the Government of Tunisia and the summary records of meetings of the Committee at which those reports were considered, see the following documents:

Seventh periodic report - CERD/C/91/Add.28 (CERD/C/SR.610-611);
Eighth periodic report - CERD/C/118/Add.27 (CERD/C/SR.755-756).

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CONTENTS

		Paragraphs	Page
	PART ONE	1 - 27	4
Chapter			
I.	OUTLINE OF THE POLICY TO ELIMINATE RACIAL DISCRIMINATION IN ALL ITS FORMS AND OF THE GENERAL LEGAL FRAMEWORK OF THIS POLICY	1 - 26	4
	A. The political philosophy since 7 November 1987	2 - 10	4
	B. Measures adopted in order to implement this new political philosophy	11	6
	C. General legal framework	12 - 26	8
II.	INFORMATION ON THE DEMOGRAPHIC COMPOSITION OF THE POPULATION	27	11
	PART TWO	28 - 270	13
I.	INFORMATION RELATING TO ARTICLE 2 OF THE CONVENTION	28 - 46	13
	A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention	28 - 45	13
	B. Information on special practical measures	46	16
II.	INFORMATION RELATING TO ARTICLE 3 OF THE CONVENTION	47 - 51	16
III.	INFORMATION RELATING TO ARTICLE 4 OF THE CONVENTION	52 - 72	16
IV.	INFORMATION RELATING TO ARTICLE 5 OF THE CONVENTION	73 - 217	20
	A. Right to equal treatment before the tribunals and all other organs administering justice	74 - 81	20
	B. Right to security of person	82 - 88	21
	C. Political rights	89 - 98	22
	D. Freedom of movement and residence within and outside the country	99 - 104	24

CONTENTS (continued)

		Paragraphs	Page
E.	Right to nationality	105 - 113	25
F.	Right to marriage and choice of spouse	114 - 117	26
G.	Right to own property	118 - 121	27
H.	Right to inherit	122 - 125	28
I.	Right to freedom of thought, conscience and religion	126 - 130	28
J.	Right to freedom of opinion and expression	131 - 144	29
K.	Right to freedom of peaceful assembly and association	145 - 151	31
L.	Right to work	152 - 178	33
M.	Right to form and join trade unions	179 - 182	37
N.	Right to housing	183 - 184	37
O.	Right to public health, medical care, social security and social services	185 - 199	38
P.	Right to education and training	200 - 213	41
Q.	Right to cultural activities	214 - 217	43
V.	INFORMATION RELATING TO ARTICLE 6 OF THE CONVENTION	218 - 233	44
A.	Non-contentious remedies	219 - 221	44
B.	Contentious remedies	222 - 233	44
VI.	INFORMATION RELATING TO ARTICLE 7 OF THE CONVENTION	234 - 270	46
A.	Education and teaching	234 - 259	46
B.	Culture	260 - 263	50
C.	Information	264 - 270	50

LIST OF ANNEXES

PART ONE

I. OUTLINE OF THE POLICY TO ELIMINATE RACIAL DISCRIMINATION IN ALL ITS FORMS AND OF THE GENERAL LEGAL FRAMEWORK OF THIS POLICY

1. Since the consideration by the Committee on the Elimination of Racial Discrimination, on 6 March 1986, of the latest report submitted by Tunisia, the country has experienced profound change. The present report will attempt to give some insight into the diversity and scale of the initiatives taken since 7 November 1987, especially in the area of interest to the Committee, which is the fight against all forms of racial discrimination. A discussion of (a) the new political philosophy, (b) the measures taken to put it into effect and (c) the new legal system introduced will best convey the developments of these five years, which were marked by a high degree of innovation.

A. The political philosophy since 7 November 1987

2. Between the early 1980s and 1987 some disturbing symptoms developed both within the Government and in Tunisian society. A profound crisis had taken hold and had resulted in the paralysis of the Government and of society.

3. However, during that entire period there were increasing changes within Tunisian society as education and culture were extended, as young people developed greater openness to the world, and as the demands grew for better living conditions. The Government failed to respond to all these changes, and the political and social impasse gave rise to extremist movements which proclaimed a particularly reactionary interpretation of religion. Tunisians were suffering, on the one hand, from a Government in a state of relative paralysis and on the other, from a kind of menacing and anti-democratic extremism.

4. Upon being appointed Prime Minister, President Zine El Abidine Ben Ali implemented the provisions of article 57 of the Constitution, which invests the Prime Minister with the functions of the President of the Republic if the Presidency becomes vacant on account of the President's death or resignation or if he is totally unable to perform his duties. This change which occurred on 7 November 1987 was introduced in order to restore the pre-eminence of the Constitution and aroused great enthusiasm and hope in the country.

5. The deeper significance of the change is the triumph of the republican system and of the constitutional institutions which serve it.

6. The declaration read by President Ben Ali on 7 November, which is known as the "Declaration of 7 November", embodies the moral and political principles which henceforth constitute the doctrine of the Government. It states:

> "In discharging our responsibilities, we are relying on all the children of our beloved country to make their contribution in an atmosphere of trust, security and calm, free of hatred and resentment.

The independence of our country, the integrity of our territory, the invulnerability of our land and the progress of our people are the concern of all Tunisians. It is the sacred duty of all citizens to love, protect and work for the development of the country.

Our people have reached a level of responsibility and maturity where every individual and group within the society can make a constructive contribution to the management of the country's affairs, in accordance with the republican idea which confers upon institutions their full integrity and guarantees the conditions for a responsible democracy, as well as respect for the sovereignty of the people, as proclaimed in the Constitution. This Constitution is due for a revision which has now become imperative.

The times in which we live can no longer tolerate either a life presidency or automatic succession to the leadership of the State from which the people are excluded. Our people deserve an advanced political regime with institutions, one that is genuinely based on a multiparty system and the plurality of the mass organizations".

The Declaration states further:

"We shall ensure the proper application of the law in order to eliminate all forms of iniquity and injustice. We shall endeavour to restore the prestige of the Government and to put an end to chaos and laxity. There shall be no favouritism and no indifference to the squandering of public property."

7. One of the key concepts of the Declaration of 7 November is national reconciliation (see annex 1).

8. Another very important text is the National Covenant which was signed on 7 November 1988 by political parties of all tendencies and the social organizations. Its purpose is to formulate common values accepted by the great majority of the Tunisian people and rules by which all the social and political parties are bound, because without a minimum of consensus, democracy runs the risk of deteriorating into anarchy and futile internal strife. These values and rules are commonly accepted in the rich countries with a strong democratic tradition; Tunisia has innovated by expressing them in written form in a political and moral document. The discussions leading up to this Covenant lasted for months and resulted in the signature of a text adopted by consensus.

9. The National Covenant establishes the values and limits which should govern the action of the signatory parties. It aims at setting out common achievements, defending the higher interests of the country against all kinds of danger, promoting political competition and generally bringing Tunisians closer to one another.

10. The principles of the National Covenant demonstrate its didactic nature and its aim is to promote democracy in the country. Political decisions in Tunisia are taken as far as possible by consensus, after lengthy consultations

between the parties involved. The majority does not dominate the minority but instead consults it and involves it in the process of taking and executing decisions (see annex 2).

B. Measures adopted in order to implement this new political philosophy

11. There are many such measures, of which only some are listed below:

26 November 1987:	Amendment of certain provisions of the Code of Penal Procedure regulating pre-trial detention
26 November 1987:	Promulgation of the Police Custody Act
16 December 1987:	Creation of a Constitutional Council to consider draft legislation submitted to it by the President and advise on the compatibility of such legislation with the Constitution
29 December 1987:	Abolition of the State Security Court
29 December 1987:	Abolition of the post of Procurator-General of the Republic
12 April 1988:	Amnesty International authorized to open a branch in Tunis
3 May 1988:	Promulgation of the Political Parties Organization Act
11 July 1988:	Ratification by Tunisia, without reservation, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly in 1984
2 August 1988:	Amendment of the Associations Act
2 August 1988:	Amendment of the Press Code
25 July 1988:	Revision of the Constitution which reaffirmed popular sovereignty and abolished the life presidency and automatic succession to the leadership of the State
4 November 1988:	Promulgation of the Special Prisons Statute by virtue of which the prison service is organized in such a way as to make re-education rather than mere punishment the object of penal sentences
7 November 1988:	Signature of the National Covenant
28 December 1988:	Amendment of the Electoral Code

30 January 1989: Establishment of the Higher Council for Communication

27 February 1989: Promulgation of the Act abolishing the penalty of hard labour, which is automatically commuted to the penalty of imprisonment for an equal period of time

23 March 1989: Tunisia became the headquarters of the Arab Human Rights Institute

6 August 1989: Licence granted to the Tunisian Association of Democratic Women

3 July 1989: General amnesty granted for crimes committed before 7 November 1987

4 May 1990: Amendment of the Electoral Code

10 October 1990: Ratification of the organic law supplementing the law concerning the judicial system, the Higher Magistrates' Council and the rules of procedure of the magistracy

13 December 1990: Publication of the text of the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the United Nations General Assembly in 1979

7 January 1991: Establishment of the Higher Committee of Human Rights and Fundamental Freedoms, which inter alia is responsible for assisting the President of the Republic in his efforts to consolidate and promote human rights. To that end, it advises on the questions referred to it and submits proposals and programmes on any matter which it deems likely to encourage the promotion and protection of human rights. It is composed of independent persons of high standing who are members of the trade union organizations and the associations as well as representatives of the authorities concerned; however, the latter do not have the right to vote when decisions are adopted. Decree No. 92-2141 of 10 December 1992 amended and supplemented Decree No. 91-54 of 7 January 1991 concerning the Committee referred to above. Article 1 bis of the Decree of 10 December 1992 provides that "by special mandate of the President of the Republic, the Chairman of the Committee shall visit the prisons, jails and centres for the shelter or observation of minors in order to ascertain the extent to which the laws and regulations concerning custody, imprisonment and the shelter or observation of minors are being

respected. After each inspection visit, the Chairman of the Committee shall submit a report to the President".

20 January 1991: Establishment of a commission of inquiry to investigate possible human rights abuses and allegations concerning violations of those rights

19 June 1991: Appointment of a principal human rights adviser to the President who, among other things, informs the President concerning the situation of human rights in Tunisia. He also supervises the studies on the application of the human rights policy of the President. He advises on international human rights conventions and monitors the work of international and regional bodies involved in human rights, as well as the activities of non-governmental organizations

29 November 1991: Ratification of the United Nations Convention on the Rights of the Child

10 December 1991: Signature by President Ben Ali of a Decree for the publication of the Convention on the Rights of the Child in the Journal Officiel of the Tunisian Republic

10 December 1992: Creation of the post of ombudsman to the President

In addition, the following measures were taken:

- a human rights office was set up in the Ministries of the Interior, Justice and Foreign Affairs

- the Economic and Social Council was made more representative.

C. General legal framework

12. This section will deal with three matters: (a) the Tunisian Constitution as amended on 25 July 1988; (b) Tunisia's international commitments; and (c) the relationship between international law and national law.

(a) The revision of the Constitution of 1 June 1959

13. The constitutional revision of 25 July 1988 affected the following eight articles: 21, 28, 39, 40, 57, 60, 62 and 63.

The effect of this revision was to abolish the life presidency and to establish a five-year presidential term of office, renewable only twice. Previously, there had been no limit to the number of times that the term was renewable. By virtue of this revision also, the age-limit set for candidates to the presidential elections was 70 years and the Office of the Procurator-General of the Republic was abolished, which enabled the judiciary

to become much more independent. The automatic succession of the Prime Minister in the event of a vacancy in the office of President was abolished. In future, the President of the Chamber of Deputies will immediately be invested temporarily with the functions of Acting President for a period of not less than 45 days and not more than 60 days.

14. The preamble to the Constitution proclaims the will of the Tunisian people to consolidate national unity and to remain faithful to the human values which constitute the common heritage of the peoples attached to human dignity, justice and freedom and who work for peace, progress and free cooperation among nations, and the will of the Tunisian people to remain faithful to cooperation with the peoples who are struggling for justice and liberty. The representatives of the Tunisian people further proclaim that the republican system constitutes the best guarantee of the establishment of the equal rights and duties of all citizens in order to achieve the prosperity of the country through economic development and the exploitation of the national wealth for the benefit of the people.

15. The operative part of the Constitution begins by setting out individual rights and public freedoms (chap. 1). It should be pointed out that the Tunisian Constitution does not set forth these principles in a separate declaration of rights but incorporates them into the very body of the Constitution. This reflects the determination to give authentic legal value to these guarantees at a time when the legal value of declarations of rights was being debated.

16. The Constitution guarantees in particular: the inviolability of the individual, freedom of conscience, freedom of worship, the equality of rights and duties of all citizens, the equality of citizens before the law, the full exercise by citizens of their rights, freedom of opinion and expression, freedom of the press and publication, freedom of assembly and association, the right to organize, the inviolability of the home, the secrecy of correspondence, the right to move freely within one's country and to leave it, the right to establish one's domicile, the protection of citizens from exile or from denial of the right to return to their country, the right of every accused person to be presumed innocent until his guilt is established and to have the benefit of a procedure which guarantees his rights of defence, the personal character of the penalty, the non-retroactivity of penalties, the right to own property and the prohibition on extraditing political refugees (for the text of the Constitution, see annex 3).

(b) Tunisia's international commitments

17. Tunisia has always been known for its adherence to the principles and rules of international law and has always been very active at international conferences and meetings on human rights.

18. Tunisia has ratified many treaties on human rights including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Discrimination against Women,

the Convention on the Rights of the Child and the African Charter on Human and Peoples' Rights. A full list of the human rights treaties ratified by Tunisia appears in annex 4 to this report.

19. Tunisia regularly submits reports to the competent international bodies regarding the application of the various instruments ratified. It has submitted its report on civil and political rights and its report on the elimination of torture. It is currently preparing its report on the elimination of all forms of discrimination against women. Tunisia ratified the African Charter on Human and Peoples' Rights and submitted a report to the African Commission on Human and Peoples' Rights regarding the legislative, administrative and judicial measures which it has adopted in order to give effect to that Charter.

(c) The relationship between international treaties and national law

20. Article 32 of the Constitution provides that "Treaties do not have the force of law until after their ratification. Duly ratified treaties have an authority superior to that of laws."

21. The incorporation of international norms in Tunisia's internal legal order takes place in the four standard stages of negotiation, signature, ratification and publication. The ratification of treaties is legislative. Article 33 of the Constitution provides that "treaties are ratified by the law". Thus, the executive power, through negotiation, signature and publication, and the legislative power, through ratification, combine to express the will of the State to be bound by international conventions. A special procedure is provided for treaties that have been concluded with a view to uniting the Greater Maghreb and for those which may have an impact on the operation of institutions. In these two cases, the Constitution requires that, in addition to the parliamentary ratification, a referendum should be held on the treaty.

22. Treaties which have been duly ratified are incorporated into the national law and become an integral part of it. The administration and the courts are bound to apply these treaties when they are invoked before them (cf., in particular, ruling No. 80 of the Administrative Court of 17 April which asserts that conventions are one of the sources of law). By the act of ratification alone, they are immediately included in national law. No higher authority is necessary to decide beforehand whether the national law is in conformity with these treaties or not. Nor is it necessary for the provisions of those treaties to be transposed into national laws in order to be applicable. Tunisia has opted for the monist concept according to which the national order and the international order are compatible with one another. Tunisia has eliminated from its Constitution and its practice the concept that international law and national law are completely distinct. This choice expresses the will of Tunisia to be more open to external relations and to be bound voluntarily by the treaties ratified.

23. The question as to whether the national or the international norm shall take precedence or shall be applied in case of conflict is settled by article 32 of the Constitution, which lays down the principle of the primacy of international law, to which all the organs of the State must be

subordinate. The international norm is thus binding upon the legislature, which may not derogate from it, and upon the judges, who are bound to apply it as a matter of priority. This primacy of international law can be clearly perceived in the proceedings of the Constituent Assembly.

24. Tunisians are convinced that the achievement of democracy is a long-term undertaking. The President, in a speech of 9 December 1989, declared that:

> "Tunisia considers its mission as being primarily humanist, and this is the underlying principle of its internal and external action. We are aware that we are still at the beginning of the road and we are convinced that the establishment of democracy, the strengthening of freedoms, the protection of human rights and the extension of their scope of application call for unrelenting action and united effort. We cherish the hope that all nations will cooperate to spread democracy and freedom throughout the world.".

25. Our approach is a global one and we are engaged in a process of coherent and irreversible change. Furthermore, starting from the fact that all rights are interdependent and complementary, and out of a concern to guarantee maximum and equal opportunities for all citizens, Tunisia has concentrated its efforts on guaranteeing the right to food, employment, health, education, housing, social security, the protection of children and the family and the emancipation of women, as well as the freedom of opinion, expression and information, the equality of all persons, non-discrimination and the right to organize for political and other purposes.

26. Tunisia's good performance during this period is all the more remarkable as it occurred in an unfavourable world economic situation marked by the economic recession and the serious monetary and stock exchange upheavals which destabilized the most powerful economies. The annual growth rate of 8.4 per cent in 1992 made it possible for the performance of 1992 to surpass the estimates of the economic budget and of the Eighth Plan, which had been set at 6.5 per cent and 7.9 per cent, respectively.

The United Nations Development Programme (UNDP) Human Development Report 1990 offers a selection of countries which have attained a high level of human development. According to the human development index (HDI), Tunisia is among the 15 countries with the highest rating.

II. INFORMATION ON THE DEMOGRAPHIC COMPOSITION OF THE POPULATION

27. Population (1990 estimate): 8,073,900

Density (1989): 50.8 inhabitants/km^2

Urban/rural distribution (1985):

Urban population 52.8 per cent
Rural population 47.2 per cent

Distribution by sex (1991):

Men 50.7 per cent
Women 49.3 per cent

Distribution by age group (1989):

Under 15 years	38 per cent
15 to 29 years	28.4 per cent
30 to 44 years	15.9 per cent
45 to 59 years	10.4 per cent
over 60 years	1.3 per cent

More than 99 per cent of the population is of Arab-Berber ethnic origin. The Sunni Muslim religion is practised by more than 99 per cent of the population.

PART TWO

I. INFORMATION RELATING TO ARTICLE 2 OF THE CONVENTION

A. Information on the legislative, judicial, administrative or other measures which give effect to the provisions of article 2, paragraph 1, of the Convention

(a) Measures taken to give effect to the undertaking to engage in no act or practice of racial discrimination against persons, groups or persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation

28. The figures for Tunisia's demographic composition testify to its very high degree of ethnic, social and cultural homogeneity. Virtually all the population are Sunni Muslims of the Mahki school (although there are a number of Hanafi families in Tunis). There are virtually no Shi'ites (although a number of Ibadite families live in Djerba).

29. As Tunisia's population is an integrated Arab/Berber one, a Berber problem has never existed there. As a result of ethnic mixing, no one can claim to be exclusively Arab or exclusively Berber.

30. There is no problem of racial discrimination in Tunisia. The authorities have never had to face the problem. They have never practised any form of racial discrimination against individuals, groups of persons or institutions. Quite the contrary, the State has set up a broadly democratic and extremely tolerant legal system that testifies to its unswerving attachment to equality before the law.

31. The Tunisian Nationality Code is a striking example of the absence of any discrimination. The Code, dated 28 February 1963, proscribes any definition of nationality based on race or religion.

32. The bases for attributing and acquiring Tunisian nationality are as follows: jus sanquinis, through filiation; jus soli, through birth on Tunisian soil; through the operation of the law (a child born abroad to a Tunisian mother and a foreign father; marriage of a foreign woman to a Tunisian; adoption of a foreign minor by a Tunisian); by naturalization.

33. Naturalization is awarded by decree to a foreigner who can prove that he has habitually resided in Tunisia for the five years prior to his application. It may be awarded without this five-year residence requirement to a person who proves that his original nationality was Tunisian, to a foreigner married to a Tunisian woman if the household resides in Tunisia at the time of the application, to a foreigner who has rendered exceptional services to Tunisia; or to a foreigner whose naturalization is of exceptional interest to Tunisia. To obtain naturalization the applicant must be capable of integrating in Tunisian society, his state of health must be certified as not presenting a danger to the community, he must be of upright behaviour and morals and he must not have been sentenced to over one year's imprisonment

for an ordinary law offence, unless the sentence has been expunged by his rehabilitation. However, convictions handed down abroad may be disregarded.

34. Applications for naturalization must: (a) be made in two copies on stamp-paper; (b) indicate the applicant's choice of domicile; (c) bear his certified signature; (d) be accompanied by all necessary supporting documents. The application has to be submitted to the Ministry of Justice, which has six months to carry out an investigation. If the legal requirements are not met, the Minister of Justice declares the application inadmissible, by a substantiated decision which is notified to the applicant. If the application is admissible, the Minister of Justice submits it to the President of the Republic, who decides whether to grant or refuse the request for naturalization. He may also decide to defer action on the application by setting a deadline or conditions.

35. Tunisian legislation thus makes no distinction of a racial, ethnic or religious nature. Moreover, nationality is extensively available to foreigners who apply for it. It should also be mentioned that, by virtue of the reform introduced by Act No. 75-79 of 1 November 1975, a Tunisian who voluntarily acquires a foreign nationality no longer forfeits his Tunisian nationality.

36. As to whether a person with dual nationality may be required to perform military service in both his countries of nationality, this is a matter to be settled by the conventions concluded between Tunisia and other countries. So far, only one convention has been signed, with France, where there is a very large Tunisian community. If a person with dual Tunisian and French nationality performs military service in either country, he is exempted from such service in the other. Other conventions are being negotiated with Belgium and Algeria.

37. The Military Service Act is another example of the absence of any discrimination. Article 15 of the Constitution provides that "the defence of the country and its territorial integrity is the sacred duty of every citizen". Article 1 of Act No. 86-27 of 2 May 1986, concerning national service, stipulates that "all Tunisian male citizens over the age of 20, must personally perform national service, except in cases of attested physical disability". The period of service is one year.

38. Grounds for exemption are determined by the same Act: citizens who have not been declared medically fit for service; citizens who are effectively responsible for the livelihood of one or more persons who would be without adequate resources if they were conscripted. Conscripts who find themselves in such a position because of changes that occur after they have been conscripted are released on request.

(b) Measures taken to give effect to the undertaking not to sponsor, defend or support racial discrimination by any persons or organizations

39. There is nothing in Tunisia's civil and political culture to justify and defend racism. Islam, which is an essential element of that culture, is a universal religion, and as such is open to all races and all ethnic groups. Furthermore, Muslims constitute a community of believers based on faith and

not on race or ethnic identity. The presence of Bilal, a Negro and one of the first believers and companions of the Prophet, has over the centuries underpinned the conviction of Muslims that any form of racial prejudice is unlawful.

40. Tunisia's civil and political culture has also been enriched by the great tradition of Arabic literature and history. The Tunisian outlook has been shaped by the great Arab poets and writers, above all those of the renaissance (late nineteenth century to 1950s). Many of them were Christian, including the most famous, Gibran Khalil Gibran, Ilia Abu Madhi and Mikhaïl Naimy. It should be mentioned that three major figures of Arab history have exemplified the essential values of the Arabs: Antara, a black poet who epitomized courage and courtesy; Samuel, a Jew who epitomized loyalty to one's word; and Hatem Ta'i, a Christian who epitomized generosity. Throughout history this culture has prevented any persons or groups of persons from advocating, justifying or systematizing racism, still less from practising discrimination.

41. Nowadays, low-abiding government is a further barrier to any reprehensible practices. Respect for State and judicial institutions is a requisite for the establishment of justice and the rule of law. Moreover, Act No. 88-32 (Political Parties Organization Act) of 6 May 1988 guarantees the right to establish parties provided that they respect the republican nature of the State and the sovereignty of the people, that they devote themselves to preserving Tunisia's attainments, particularly as regards personal status, equality between men and women and protection for children, that they proscribe violence and fanaticism and that they are not based on religious, racial, regional or linguistic considerations.

(c) Measures taken to give effect to the undertaking to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization

42. See the reply to (b) above and the information given on article 4 of the Convention below.

(d) Measures taken to give effect to the undertaking to encourage, where appropriate, integrationist multiracial organizations and movements and other means of eliminating barriers between races, and to discourage anything which tends to strengthen racial division

43. Thanks to the liberal nature of the Associations Act, a number of associations have been set up to defend and foster human rights.

44. Tunisia has authorized Amnesty International to open a branch in Tunisia. Tunis is nowadays an important centre for several NGOs, including the Arab Human Rights Institute, Greenpeace, El-Taller, and the African Committee for Law and Development.

45. It should be mentioned that some 20 friendship societies have been freely established by citizens with the purpose of fostering amicable relations between Tunisians and nationals of countries on different continents.

B. Information on special practical measures

46. Special practical measures have been adopted to advance the status of women. When the eighth economic and social development plan was drawn up, a consultative commission on women and development was established for the first time in the history of Tunisian planning. The Tunisian Union of Industry, Commerce and Crafts (an employers' association) has set up a chamber to defend the interests of firms managed by women.

II. INFORMATION RELATING TO ARTICLE 3 OF THE CONVENTION: CONDEMNATION OF RACIAL SEGREGATION AND APARTHEID

47. Tunisia has unswervingly condemned racial segregation and apartheid. It has ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports.

48. On 9 December 1988, at the invitation of the President of the Republic, Tunisia welcomed Mrs. Zenani Mandela, daughter of the South African activist, Mr. Nelson Mandela, on the occasion of the fortieth anniversary of the Universal Declaration of Human Rights. Mr. Nelson Mandela has also been invited to and has visited, Tunisia.

49. Tunisia is very active within international organizations and unstintingly supports the struggle against racial discrimination. In Tunisia itself, conferences, symposiums and debates are organized such as the international symposium held on 11 December 1989 on the occasion of International Day for the Elimination of Racial Discrimination and the meeting held in Tunis on 2 and 3 December 1988, at the invitation of the Tunisian Association for International Studies, on the fortieth anniversary of the adoption of the Universal Declaration of Human Rights.

50. As regards diplomatic, economic and other relations with the South African regime, Tunisia has never had any diplomatic consular or economic relations with the regime.

51. As a member of the Organization of African Unity, Tunisia has always complied with that organization's decisions concerning the struggle against the apartheid regime. It has ratified the African Charter on Human and Peoples' Rights, whose preamble states:

> "Conscious of their duty to achieve the total liberation of Africa, the peoples of which are still struggling for their dignity and genuine independence, and undertaking to eliminate colonialism, neo-colonialism, apartheid, zionism, and to dismantle aggressive foreign military bases and all forms of discrimination, particularly those based on race, ethnic group, colour, sex, language, religion or political opinion".

III. INFORMATION RELATING TO ARTICLE 4 OF THE CONVENTION

52. Tunisian law proscribes any incitement to or act of racial discrimination and contains a set of provisions whose purpose is to penalize incitement to racial hatred and acts of intolerance.

53. The Penal Code lays down punishment for such acts. Article 161 stipulates that "Anyone who destroys, razes or defiles religious buildings, monuments, emblems or objects is liable to a one-year prison term and a fine of 500 francs. Attempts to commit such acts are also punishable." Article 163 stipulates that "The same penalties are applicable to anyone who defaces or destroys objects kept in museums, books or manuscripts kept in public libraries or religious buildings, or items or documents of any kind kept in a public collection, in public archives or in administrative storage."

54. Title I, chapter IV, section XIII, of the Penal Code concerns "obstruction of the practice of religion". Article 165 stipulates that "Anyone who impairs or disrupts religious worship or ceremonies shall be punished by six months' imprisonment and a fine of 500 francs, notwithstanding any more severe penalties which would be incurred in cases of outrage, acts of violence or threats". Under article 166, "Anyone who, without any legal authority over a person, forces that person by violence or threats to practise or refrain from practising a religion is liable to a term of imprisonment of three months".

55. Section XIV concerns "offences relating to places of burial": violation of tombs, destruction, damage, defacement of monuments erected in a cemetery and exhumation of corpses.

56. The Penal Code also penalizes attacks on the honour or reputation of persons. Article 245 stipulates that "defamation is any public allegation or imputation concerning a fact which impugns the honour or reputation of a person or an established body".

57. The Press Code, promulgated by Act No. 75-32 of 25 April 1975, is perfectly clear on this point. Article 44 stipulates that "anyone who uses the same means (the press or any other intentional means of propaganda) either directly to provoke racial hatred or the offences covered by article 48 (offences against the President of the Republic) or instigates the population to break the law shall be punished by two months' to three years' imprisonment and a fine of 1,000 to 2,000 dinars". Article 46 stipulates that "If the court has handed down a non-suspended prison sentence for breaches of articles 42 to 44, it may also decide that the convict may neither vote nor stand for election for a period of not more than five years. As soon as the sentence is final, it shall entail dismissal from any current elected office."

58. Article 48 punishes an offence committed by the same means against any authorized religion with from three months' to two years' imprisonment and a fine of 100 to 2,000 dinars.

59. The Press Code also punishes defamation (any public allegation or imputation which reflects upon the honour or the reputation of the person or corporate body against whom the imputation is made). Defamation of individuals is punished by 16 days' to 6 months' imprisonment and/or a fine of 120 to 1,200 dinars (art. 53, para. 1).

60. Article 53, paragraph 2, stipulates that "defamation committed by the same means against a group of persons not specified in the present article but who belong by origin to a particular race or religion shall be punishable by

one month's to one year's (instead of 16 days' to 6 months') imprisonment and a fine of 120 to 1,200 dinars, if its object is to stir up hatred among the citizens or inhabitants." The Press Code also punishes insult, which is defined as any offensive expression, term of disparagement or abuse not imputing any precise fact. It is punished by 16 days' to 3 months' imprisonment and/or a fine of 120 to 1,200 dinars (art. 54).

61. Article 54, paragraph 4, stipulates that "the maximum prison sentence shall be one year (instead of 16 days to 3 months) and the fine 1,200 dinars (instead of 120 to 1,200 dinars) if the insult has been made by the same means against a group of persons belonging by origin to a particular race or religion with the object of stirring up hatred among the citizens or inhabitants".

62. In cases of defamation and insult against individuals, legal action is taken only if the defamed or insulted person files a complaint. However, it may be instituted by the Public Prosecutor ex officio if the defamation or insult against a group of persons belonging, inter alia, to a particular race or religion had the object of stirring up hatred among the citizens or inhabitants (Press Code, art. 72).

63. The Code of Obligations and Contracts confirms the provisions of the Penal and Press Codes by making it mandatory to provide redress for defamation and insult. Article 87 of the Code stipulates that "Anyone who, contrary to the truth, affirms or publicizes, through the press or any other means any facts that are likely to damage the reputation, standing or interests of the person or body to which the fact is attributed, is liable towards the injured party for any damage resulting from his act if he knew or ought to have known the falsity of the facts in question, notwithstanding any penalties established by law. This rule applies to anyone who, by word, writing or deed, commits the offence of insult, as defined by criminal law and the press law. Anyone who prints a libellous, defamatory or insulting document is also jointly and severally liable with the author. Prescription applies to proceedings arising from the acts covered by this article five months from the date on which they were committed, or from the date of the last prosecution, if it has been instituted. If the injurious act has not been publicized, prescription applies five months from the date on which the injured party had cognizance of it."

64. The Associations Act (No. 154-59 of 7 November 1959), in conjunction with the Penal Code and the Press Code covers the application of article 4 of the Convention. An association's documents and publications must comply with the relevant provisions of the Press Code. Other aspects of their activities are regulated by the Associations Act.

65. Article 2 of the Act stipulates that "the cause and object of such an agreement shall, under no circumstances, be contrary to the law or to morals, likely to disrupt public order or detrimental to the integrity of the national territory or to the republican form of the State". This article is an impediment to those associations whose cause and object, either in whole or in part, is to disseminate and justify racial hatred, as associations are required to comply with the law (including the Penal Code and the Press Code), not to disrupt public order (which is likely to be threatened by incitement to

racial discrimination), and not to attack the republican form of the State (which guarantees the undisturbed exercise of human rights and public freedoms).

66. Article 23 of the same Act authorizes the Minister of the Interior "in cases of extreme urgency and in order to prevent public order from being disrupted" to decree, by a substantiated decision, the provisional closure of the premises belonging to or used by the association in question and to suspend all its activities and meetings or gatherings of its members. The dissolution of the association is the responsibility of the judicial authorities, and the Minister of the Interior may request the competent court of first instance to dissolve the association if there has been a serious violation of the provisions of the Associations Act or if the actual objective, activity or doings of the association prove to be contrary to public order and morals (art. 24). Article 31 of the Associations Act states as follows: "if by speech, exhortation, or by reading, posters, publication, distribution, exhibitions of any form of written document or projection, there has been any wilful incitement to commit crimes or offences in the meetings organized by an association, the leader or leaders found responsible shall be liable to a fine of 10 to 100 dinars and a prison sentence of three months to two years, notwithstanding any more severe sentence that might be stipulated by current law for individuals personally guilty of such provocations. In no case may such persons receive lighter sentences than those imposed on the leaders found liable."

67. Act No. 88-32 (Political Parties Organization Act) of 3 May 1988, in conjunction with the Penal Code, the Press Code and the Associations Act, covers article 4 of the Convention. Article 2 of the Act states that "political parties must act in accordance with the Constitution and the law".

68. The same article makes it mandatory for political parties to respect and defend in particular: human rights as determined by the Constitution and the international conventions ratified by Tunisia; Tunisia's attainments and in particular the republican form of government and its foundations, the sovereignty of the people as laid down in the Constitution and the principles regulating personal status.

69. Under article 2 of the Act, political parties must always eschew violence in any of its forms, as well as fanaticism, racism and all other forms of discrimination, and refrain from any activity likely to jeopardize national security, public order and the rights and freedoms of others.

70. Article 3 of the same Act stipulates that a political party may not rely fundamentally, in its principles, activities and programmes, on a religion, a language, a race, a sex or a region.

71. Article 17 stipulates that "a political party may not adopt slogans calculated to promote or encourage violence with a view to disrupting public order or generating hate among citizens".

72. Political parties must be organized along democratic lines and according to democratic principles. Their statute must be drawn up accordingly

(art. 5). Breach of these principles is penalized by closure of the premises, temporary suspension or dissolution (for further details, see the text of the Act in annex 5).

IV. INFORMATION RELATING TO ARTICLE 5 OF THE CONVENTION

73. This part deals with the fundamental rights of which individuals are ensured without discrimination of any kind. The equality of all before the law without discrimination of any kind, the equality of citizens with respect to their rights and duties and the equal protection of the law for all have a constitutional basis, as has been seen. They also derive from Tunisia's international undertakings.

A. Right to equal treatment before the tribunals and all other organs administering justice

74. The Code of Obligations and Contracts provides in its article 3 that "everyone is capable of binding and of being bound by an obligation unless declared incapable by the law", and in its article 4 that "difference of religion creates no difference between Muslims and non-Muslims with respect to the capacity to contract and the effects of obligations validly entered into by and towards the latter".

75. Furthermore, article 82 of the Code of Obligations and Contracts dealing with the obligations resulting from delicts and quasi-delicts provides that "anyone who, without the authority of the law, knowingly and deliberately causes material or moral injury to another person shall be required to compensate for that injury when it is established that it has been directly caused by him. Any stipulation to the contrary shall be null and void".

76. Tunisian law consequently affirms that in civil matters everyone is equally endowed with the legal capacity to bind and be bound by obligations by virtue either of contracts or of delicts and quasi-delicts.

77. In its article 1, the Code of Civil and Commercial Procedure establishes the principle that all civil and commercial disputes may be referred to the courts within the limits of their respective jurisdictions. Article 2 affirms their competence in all such disputes between persons resident in Tunisia, whatever their nationality.

78. Article 19 of the Code of Civil and Commercial Procedure stipulates that "the right of legal action lies with anyone having the authority and capacity to enforce their rights in law". Only those declared incapable by law have no such right of legal action and, furthermore, there are exceptions here since minors acting with due discernment may validly institute legal proceedings "to obtain interim relief where they are in immediate danger" (art. 19).

79. Tunisian criminal law lays down the same principle of non-discrimination. Article 1 of the Code of Penal Procedure provides that "any infringement gives rise to proceedings instituted by the Public Prosecutor for the purpose of enforcing the penalty and, if an injury has been caused, to a civil suit to obtain compensation therefor".

80. Since Tunisian criminal law applies throughout the territory, any injured party benefits from automatic public protection. If that person who has an interest in legal action and whose application is recognized as well-founded meets with a refusal of the judge to do justice, article 108 of the Penal Code then requires him to pass judgement even in the event of the silence or obscurity of the law. A judge who, on any pretext whatsoever, refuses to do justice to the parties after being required to do so is deemed to be answerable for an offence of denial of justice and incurs a fine.

81. The same principles are applied in administrative law. Any person who has a proven interest in the quashing of an administrative decision may appeal against that decision through judicial recourse for illegality (art. 6 of the Administrative Tribunal Act of 1 June 1972).

B. Right to security of person

82. The inviolability of the human person signifies first and foremost protection from any offence against life. Homicide, whether wilful or by negligence, is punished (arts. 210-217 of the Penal Code). Wilful homicide is punished by life imprisonment except in cases of particularly odious crimes which are punished by the death penalty.

83. The Penal Code also provides for the punishment of violence committed against individuals: kidnapping, abduction or restraint of individuals, intentional violence, involuntary violence, threats of violence, ill-treatment of children or incapacitated persons, etc.

84. The arrest and detention of persons are governed by strict rules. New provisions limiting the length of custody and of pre-trial detention have been introduced into the Code of Penal Procedure. Article 13 bis added to the Code of Penal Procedure by the Act of 26 November 1987 limits the period of custody by the judicial police to four days. This period may be extended, by a decision in writing taken by the Public Prosecutor, initially for a further four days, and in the event of absolute necessity for a further period of only two days. The period of custody cannot therefore exceed 10 days. During custody or on completion of custody, the person concerned or his parents or children or his spouse may as a matter of right request a medical examination. The compulsory noting of the date and time when any questioning begins and ends is an essential safeguard against any form of violence or torture. The legislature has stressed the exceptional and limited character of pre-trial detention. With the exception of cases of flagrante delicto in which the Public Prosecutor combines the functions of pre-trial examination and prosecution, examining magistrates alone may order the detention of an accused person.

85. The period of pre-trial detention was limited by the Act of 26 November 1987 to six months. Paragraph 3 of article 85 of the Code of Penal Procedure, as amended by the aforementioned Act, provides for the possibility for examining magistrates, with the concurrence of the Public Prosecutor, to renew the period of detention once in the case of a misdemeanour and twice in the case of a felony. However, magistrates can take

such a decision only through a substantiated order appealable only through the indictment division, which must reach a decision within eight days from the date of transmission of the file.

86. This measure, which is designed to guarantee respect for human dignity and the strengthening of human rights, has always characterized the action of the public authorities. Accordingly, the Council of Ministers, meeting on 4 November 1992, adopted a set of measures to consolidate these rights. The new provisions are calculated in particular to reduce the period of pre-trial detention both for misdemeanours and for felonies and to shorten the time-limits for trying cases in which persons have been placed in detention.

87. The Penal Code punishes public officials found guilty of an abuse of authority and dereliction of the duties of public office. Article 101 of the Penal Code stipulates a penalty of five years' imprisonment and a fine for any public official or similar person who, in the exercise of his functions, uses violence or causes it to be used against any person. The same penalty is incurred by a public official who unlawfully interferes with the personal liberty of others, or who perpetrates or causes to be perpetrated violence or ill-treatment against an accused person, witness or expert in order to extract a confession or statement from them. If there have been only threats of violence or ill-treatment, the maximum term of imprisonment is reduced to six months (art. 103 of the Penal Code). Penalties are also incurred by public officials who, resorting to one of the practices mentioned in article 103, have taken possession of an immovable or movable property against the will of the owner or have obliged the owner to transfer it to another person. Arrest and detention without legal warrant are prohibited and incur a penalty of 10 years' imprisonment.

88. In addition, Tunisia has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations in 1984. It has made the declarations provided for in articles 21 and 22 of that Convention whereby the Committee against Torture is authorized to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of ill-treatment.

C. Political rights

89. Sovereignty is vested in the Tunisian people, who exercise legislative power through a legislative assembly elected by free, direct and secret universal suffrage, elect the President of the Republic by free, direct and secret universal suffrage and elect the municipal councils.

90. The Constitution establishes the conditions that a person must meet in order to have a vote. "Every citizen who has possessed Tunisian nationality for not less than 5 years and is over 20 years of age shall be an elector" (art. 20). Men and women are recognized to have this right without discrimination. However, article 2 of the Electoral Code requires that, in order to be an elector, men and women should be in possession of their civil and political rights.

91. The Electoral Code disqualifies the following persons from the right to vote: undischarged bankrupts; persons who have been convicted of felonies or misdemeanours and sentenced to an unsuspended term of imprisonment exceeding three months or to a suspended term exceeding six months, excluding convictions for negligence; persons of unsound mind who have been committed to an institution; persons who have been placed under legal guardianship; and members of the armed forces on the active list.

92. Every voter is registered on an electoral roll. If he is not, he is entitled to ask for such registration. If this is refused, he is entitled to apply to a Review Board, whose decisions may be appealed against to the courts.

93. The qualifications for election vary according to cases:

- in the case of elections to municipal councils, any voter of the commune who has attained the age of 25 may stand for election. Cases of ineligibility are stipulated in respect of officials of various kinds who have a position of responsibility for or relationship with the commune. Some cases of incompatibility are specified to prevent two or more members of a single family from being elected to the same municipal council.

- in the case of elections to the legislature, any voter of a Tunisian father who has attained the age of 25 is eligible. Before the constitutional reform of 25 July 1988, the minimum age was 28. The cases of ineligibility concern governors, judges, certain regional administrative authorities and police officers. Cases of incompatibility concern civil servants, international civil servants or officials of a foreign State and heads of public enterprises.

- in the case of presidential elections, all qualified voters who have Tunisian nationality and no other, who are Muslim and who are of a Tunisian father, mother and paternal and maternal grandparents who have all been Tunisian nationals without interruption are eligible. They must be at least 40 years old and no more than 70 and be in possession of all their civil and political rights. The requirement as to religion derives from article 1 of the Constitution, according to which Islam is the religion of the Tunisian State.

94. Non-Muslim communities may participate in public life in the same way as Muslims. Jews are no longer represented in the Government as they were in the 1960s because their proportion in relation to the population as a whole has decreased considerably. The Jews have left to take up residence elsewhere (especially in France). This exodus is partly due to the fact that a large number of them had French nationality. It also forms part of the migratory movement towards the industrialized countries which has affected all categories of the Tunisian population.

95. The Civil Servants' General Status Act offers a further illustration of the absence of any discrimination in legal instruments and in practice.

Article 10 of the General Status of Officials of the State, Local Government and Public Administrative Authorities Act No. 83-112 of 12 December 1983 provides that "the personal files of public officials shall contain all necessary documents concerning their civil status, family situation and administrative status, registered, numbered and classified without interruption. In no case may this personal file include any reference to the political, philosophical or religious opinions of the person concerned".

96. The requirements for being a public official, in other words for being subject in a temporary, permanent or general service capacity to the rules and regulations of the civil service, are exclusively those set out in article 17 of the Civil Servants' General Status Act. Candidates must have Tunisian nationality, be in possession of their civic rights and of good moral standing, not be in breach of the National Service Act, be over 18 years of age and fulfil the physical and mental conditions needed to perform the duties applied for throughout the national territory.

97. All the following provisions of the Act are in accordance with these three normative articles in respect of all matters relating to recruitment, the granting of tenure, performance reporting, advancement, working hours, promotion, leave, discipline and status.

98. In practice, no public official has ever sought contentious or non-contentious remedy for racial discrimination.

D. Freedom of movement and residence within and outside the country

99. Freedom of movement within the country is not subject to any formalities. The only restrictions derive from penal action (detention, administrative supervision).

100. There is complete freedom to leave the country and to return to it. It is governed by Act No. 75-40 of 14 May 1975 relating to passports and travel documents.

101. Under article 1, any Tunisian national wishing to travel abroad must be in possession of a national travel document. Article 13 specifies that every Tunisian national has the right to be issued with a passport, and to have it renewed or extended. It is issued on request and remains in the custody of the holder until it is renewed.

102. Restrictions are laid down by the Act in respect of the right to be issued with a passport, namely: criminal prosecution; non-compliance with the obligation of national service, barring deferment; a minor or legally disqualified person unable to produce an authorization from his legal representative, barring a judicial decision; reasons of public order and safety or in the interest of the good reputation of Tunisia. The criteria employed by the administrative authority in order to determine whether the good reputation of Tunisia has been harmed are: a Tunisian national's participation in a terrorist act, membership of a group of mercenaries or a legal conviction for drug trafficking or illegal arms trafficking. Moreover,

a decision by the Minister of the Interior to refuse to issue a passport may be appealed against on the grounds of illegality before the Administrative Tribunal.

103. Aliens in Tunisia enjoy the same right as nationals to come and go within the country. Act No. 68-7 of 8 March 1968 concerning the status of aliens in Tunisia deals with aliens entering, visiting and leaving Tunisian territory. It provides in particular for measures to expel them.

104. Such expulsion is never arbitrary. The aforementioned Act specifies cases of expulsion and the procedure relating thereto. The Minister of the Interior issues an expulsion order against any alien whose presence in Tunisian territory constitutes a threat to public order. In the case of an alien who is the subject of an expulsion order but who is unable to leave Tunisia, the Minister of the Interior determines the place where he shall reside until such time as he is able to leave the country. An order of the Minister of the Interior may be appealed against on the grounds of illegality before the Administrative Tribunal, which, in turn, may decide to suspend the execution of the order until it has been able to consider the substance of the appeal.

B. Right to nationality

105. The right to a nationality is enshrined in Tunisian law. Tunisia has ratified the Convention on the Nationality of Married Women (Act No. 67-41 of 21 November 1967) and the Convention relating to the Status of Stateless Persons (Act No. 69-27 of 9 May 1969).

106. Tunisian nationality is acquired at birth by operation of law or by a decision of the authority taken under conditions laid down by law. As was seen in the information on article 2, Tunisian nationality is extensively available to those who apply for it.

107. Article 13 of the Tunisian Nationality Code provides that a foreign woman marrying a Tunisian man acquires Tunisian nationality at the time of the celebration of the marriage when, by virtue of her national law, she loses her original nationality by marrying a foreigner.

108. Cases of loss, forfeiture and withdrawal of Tunisian nationality are stipulated in articles 30 to 38 of the Tunisian Nationality Code.

109. Since the promulgation of Act No. 75-79 of 14 November 1975, any persons who voluntarily acquire a foreign nationality no longer automatically forfeit their Tunisian nationality. However, a Tunisian employed as a public official of a foreign State or in a foreign army who remains so employed one month after he has received an injunction to resign, loses Tunisian nationality unless it is established that he was unable to do so. In such a case, the time-limit of one month applies only from the time when he has ceased to be unable to do so.

110. Forfeiture concerns individuals who have Tunisian nationality by acquisition. Individuals forfeit their nationality if they have been convicted for an act designated as a crime or offence against the internal or

external security of the State or if they engage for the benefit of a foreign State in acts incompatible with their status as Tunisians and detrimental to the interests of Tunisia, or if they have been condemned in Tunisia or abroad for an act designated as a crime by Tunisian law and having resulted in a sentence of at least five years' imprisonment or if they have been convicted for non-compliance with the obligations deriving from the National Service Act. Individuals are liable to forfeit their nationality only if such facts have occurred within a period of 10 years from the date of acquisition of Tunisian nationality. Beyond that period, they incur for those facts the penalties applicable to nationals and there is then no question of forfeiture of nationality.

111. Individuals may have their Tunisian nationality withdrawn when it transpires after the naturalization order that they did not fulfil the conditions laid down by the law for being naturalized. The order must be revoked within a period of two years from the date of its issue. If a foreigner has used fraudulent means to obtain Tunisian nationality, the order may be revoked within a period of two years from the time the fraud is discovered.

112. For persons having the status of stateless persons in accordance with the conventions in force and, in particular, the Convention of 28 September 1954, "D"-type travel documents are issued which remain valid for a period ranging from three months to a maximum of two years and which can be extended or renewed only for stateless persons who are lawfully resident in Tunisia.

113. Tunisia has ratified the Protocol relating to the Status of Refugees, which came into force on 4 October 1967, and the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. Article 17 of the Constitution prohibits the extradition of political refugees. Refugees authorized to reside in Tunisia may receive a residence permit and a "C"-type travel document (Act No. 75-40 of 14 May 1975 relating to passports and travel documents). As for the possibility of their working, it is to be noted that refugees enjoy special treatment. The visa of the Employment Ministry is granted to them immediately.

F. Right to marriage and choice of spouse

114. Marriage in Tunisia is an institution at the basis of the establishment of all Tunisian families. In 1984, unmarried women aged 49 represented only 1.9 per cent of the total, as compared with 0.7 per cent in 1956. The increase is almost negligible.

115. Before 1956, the marrying age was traditionally very low. It was common practice for girls to marry between the ages of 12 and 15. In 1956, the Code of Personal Status set the minimum age for marriage at 17 years of age for women and 20 years of age for men. The earliest reliable figures in our possession on the average age of first marriage for women date from 1956. The average age then was 19.5 years, which was already considerably higher than in the past. In 1965, it was 21.5; in 1975, 22; in 1984, 23.5; and in 1990, 24.

116. In traditional families before independence, the average age difference between spouses was apparently about 10 years. In 1966, the age difference

between husband and wife was 7.6 years and in 1975, 5.5 years; in 1980 it was 4.9 years, and in 1984, it was 4.6 years. This decreasing difference shows that personal affinities are increasingly becoming the essential basis of marriage. The requirement of mutual consent, declared by the Code of Personal Status to be one of the conditions for marriage, has removed marriage once and for all from the control previously exercised over it by families. The level of instruction and the economic independence of young people have been instrumental here.

117. The legal provisions contained in the Code of Personal Status have ushered in bold and innovative measures, the most revolutionary of which is the abolition of polygamy. The marriage contract and its dissolution no longer depend on the whims of either one of the spouses. Marriages are now concluded before a notary or before a civil registry officer and in the presence of two reputable witnesses. They can be dissolved only by divorce before the competent court. The former practice of repudiation has thus been abolished. For the purposes of a reform announced by the President of the Republic in his speech of 13 August 1992, bills are currently being adopted with a view to emancipating women more fully by granting them right of guardianship and emancipation through marriage to married women under the age of 20, etc.

G. Right to own property

118. The right to own property is guaranteed by the Constitution and by law. This right cannot be waived except on the grounds of expropriation in the public interest in cases of requisition or pre-emption.

119. Expropriation is governed by strict rules laid down by Act No. 76-85 of 11 August 1976. Expropriation is decided by a decree of the President of the Republic. Paragraph 2 of article 2 of the Act provides that the expropriating authority cannot take possession of the expropriated property without payment or the deposit of fair and prior compensation. The Administrative Tribunal monitors the legality of expropriation orders and in some cases quashes such orders on the grounds of illegality.

120. Act No. 91-39 of 8 June 1991 relating to measures to combat and prevent disasters and the organization of relief provides that each governor shall draw up a comprehensive inventory of all human resources and of all equipment, machines, buildings and enterprises throughout the governorate, irrespective of their owners or origins, that may, if need be, be requisitioned in the event of a disaster. The requisition of property brings with it an entitlement to fair compensation.

121. A further restriction on the right to own property derives from the right of pre-emption which may be exercised by government land agencies (tourist land agency, housing land agency, industrial land agency). This does not compel landowners to part with their property but it does limit their freedom to sell to whomsoever they wish, at a price freely agreed upon. It enables government agencies to have recourse to pre-emption in order to establish and develop areas for the purpose of tourism, industry or housing.

H. Right to inherit

122. Following independence, the Tunisian law of succession was radically amended, without however its Islamic origins being forsaken. These amendments are designed to establish greater equality between men and women.

123. The technique of the radd (return), instituted by the 1959 reform, introduces into the law of succession (art. 143 bis of the Code of Personal Status) "the widow as sole heir of her deceased husband". Thus, when a widow is the sole heir of the deceased spouse, the totality of the inheritance falls to her, whereas, before 1959, it accrued to the Treasury. The same rule applies to only daughters and granddaughters of only daughters and female descendants of the paternal line ad infinitum, who thus completely supplant in order of succession their paternal uncles and the descendants of their paternal uncles.

124. The technique of representation is also a new technique which was unknown in classical Muslim law. Grandchildren (whether men or women) were not entitled to inherit from their grandfather if their father or mother was no longer alive and if they still had uncles alive at the time of their grandfather's death. Tunisian law, by instituting a "mandatory inheritance" whose beneficiaries are the grandson and granddaughter born of a son or daughter who has died, has established greater equality between the generations and between men and women.

125. There is no provision in domestic law whereby difference of religion can be an obstacle to succession.

I. Right to freedom of thought, conscience and religion

126. Freedom of conscience means that everyone is free to adopt such convictions as he sees fit. There is no rule in Tunisia that obliges an individual to adopt any particular conviction. This falls into the area of a human being's private life. These rights carry no restrictions whatsoever. The National Covenant, signed on 7 November 1988 by the representatives of the political parties, professional organizations and the associative movement, stresses that, "Human rights signify a guarantee of freedom of opinion and expression, freedom of the press and freedom to publish and worship". It adds, "the protection of the fundamental freedoms of human beings calls for the strengthening of the values of tolerance, the banishing of extremism and violence in all their forms and non-interference in the convictions and behaviour of others, with the exception of leniency and pardon, in order for religion to involve no constraints whatsoever". A consensus has emerged that the mosques - the houses of God - should be kept out of political struggles and seditious movements in order to remain fully devoted to God. In order to avoid the mosques being exploited for political and partisan purposes, a law relating to the mosques was adopted on 3 May 1988. Its purpose is to avoid the mosques being used as a setting for religious and partisan struggles.

127. Article 1 of the Constitution, which proclaims Islam to be the religion of the Tunisian State, does not imply any religious constraint whatsoever in the case of non-Muslims. The Tunisian legislature provides protection for the non-Muslim communities belonging to the Jewish and Christian faiths.

128. Regulations for the exercise of the Jewish religion are laid down by Act No. 58-78 of 11 July 1958, which organizes the structures and management of the patrimony of the Jewish religion. It authorizes Jewish cultural associations (one in each governorate), whose purpose is to administer Jewish religious affairs, provide cultural assistance to Jews in need, organize religious teaching and manage establishments which impart such teaching, organize and maintain the synagogues and provide for ritual slaughter, unleavened bread and Kosher food product services with the help of the Rabbis. Each association is administered by a Board elected by a General Assembly. These associations are subsidized by the communities. The Chief Rabbi is appointed by presidential decree after the usual consultations. The State provides him with a monthly salary. According to protocol, he is invited to all national festivities and events. The El Ghriba Synagogue (Djerba), which is 25 centuries old, is a place of pilgrimage for Jews throughout the world during the Jewish holiday of Passover.

129. The Christian religion is organized in accordance with an international agreement concluded between Tunisia and the Holy See on 27 June 1964. By this agreement, the Tunisian Government reaffirms its determination to ensure the free practice of the Catholic religion. The Church has legal personality and is represented by the prelate of Tunis, who is appointed by the Vatican and accredited by the Tunisian Government. The agreement contains a number of provisions guaranteeing complete freedom of worship.

130. These rights are protected by the Penal Code (see chap. III, information on art. 4 of the Convention). It should be noted that there are no difficulties in implementing these guarantees. A Ministry of Religious Affairs has been established to ensure that the laws on religion are properly enforced and to guarantee the necessary conditions for all religions to be practised freely.

J. Right to freedom of opinion and expression

131. Freedom of opinion and expression is guaranteed by article 8 of the Constitution, which stipulates, "The freedoms of opinion, expression, the press, publication, assembly and association are guaranteed and shall be exercised in accordance with the law".

132. The right to information is guaranteed, particularly since the current regime came to power on 7 November 1987, by the existence of 115 national publications - 30 or so providing general information and opinions, mostly from the private sector or the political parties - and 450 foreign publications, in all languages and on all topics, freely available on the Tunisian market.

133. The right of Tunisian citizens to information has also been guaranteed through the opening of the Tunisian audiovisual channel - parallel to the national television channel and to a thematic channel established in January 1993 for young people - which broadcasts three foreign programmes: the Italian station "RAI Due", the French station "France 2" and the coded station "Canal Horizons". These stations, broadcast using the Hertzian system, are received nation-wide.

134. The law grants citizens full freedom to receive television programmes using individual or collective parabolic antennas.

135. The Press Code was amended for the first time in 1988 (Organic Law No. 89 of 2 August 1988). A second amendment is currently being considered by the Chamber of Deputies. The first amendment dealt with openness in accounting, which became an obligation for all periodicals; it also strengthened the right of reply and laid down criteria for the employment of journalists trained in specialized schools. New provisions laid down ethical rules such as the obligation to indicate the sources of every article that is totally or partially borrowed, the prohibition against presenting an advertisement as information, and the obligation to precede or follow every advertisement with the indication "advertisement" or "communiqué".

136. Under this amendment, the same natural or legal person may own, control or direct a maximum of two periodicals with political and general information and the same periodicity published in Tunisia. However, the overall circulation of the periodicals so owned, controlled or directed cannot exceed 30 per cent of the overall circulation of publications with the same periodicity. This restriction is aimed at protecting the press from concentration and thus strengthening the citizens' right to free and pluralistic information.

137. The second amendment is aimed at making the Press Code more liberal, strengthening pluralism and enabling information better to play its role of communication, explanation, awareness-raising and education.

138. In addition to these legal bases and adjustments, the following are some of the far-reaching changes the media have been undergoing since 7 November 1987:

- The revision of the internal regulations of the press agencies so as to provide them with the material, technical and human means enabling them better to meet the public's expectations. As part of this, incentives and promotional measures have been introduced: the collective agreements and professional regulations have been revised; journalists' material situation has been improved through salary rises and the granting of special allowances; a national prize has been introduced for the outstanding journalistic achievement; socio-professional centres (Journalists' Centre) have been established; projects have been launched for improving journalists' housing conditions and journalists are given a 50 per cent reduction on the national airline's flights, free rail transport and a 50 per cent reduction on public transport lines.

- The establishment of the Higher Council for Communication, whose role is to study questions relating to the situation and prospects of the information and communication sector. The composition of the Council reflects the political pluralism existing in Tunisia. Its members are appointed on the basis of their competence, without regard for their political or party affiliation. The

organizational and legislative texts relating to the promotion of the information sector are submitted to the Council for its opinion prior to promulgation.

139. In addition to direct financial subsidies, all opposition newspapers receive compensation in the amount of 60 per cent of the cost of newsprint and advertisements by State enterprises.

140. The national press, other than the party political press, receives many types of indirect assistance, in particular through tax exemptions on the entire range of products necessary for newspaper production.

141. The State meets a significant share of the costs of the press distributing service abroad and grants press agencies transport permits with a view to facilitating the distribution of newspapers inside the country.

142. A set of measures have been taken with a view to fostering the development of the national information system and strengthening its technical and human potential. In this context, mention should be made of the opening of two regional radio stations, at Le Kef and Gafsa, in addition to the regional radio stations at Sfax and Monastir, the modernizing and strengthening of the radio and television production and broadcasting equipment, the renovation of the radio and television broadcasting network and the launching of a project for the construction of a new television headquarters.

143. Pluralism has been strengthened in the national media, especially radio and television. For the national press agency and radio and television stations, these measures consist of covering activities by the opposition parties and national organizations, reflecting their positions on the major problems of the moment and inviting their representatives to take part in television and radio reports and discussions.

144. With regard to the training of journalists, a reform was implemented in early 1993 with the aim of strengthening basic and ongoing training for journalists. As far as ongoing training is concerned, the system of taxes on vocational training was revised in order to encourage press agencies to adopt training programmes and encourage journalists to take advantage of them.

K. Right to freedom of peaceful assembly and association

145. Freedom of assembly is guaranteed by the Constitution and by Act No. 69-4 of 24 January 1969, article 1 of which stipulates that public meetings may be held freely and without prior authorization. At the most a statement indicating the day and time the meeting is to take place is sent to the regional or local authorities (for the text of the Act, see annex 7).

146. The Associations Act of 7 November 1959 was amended on 2 August 1988 and replaced the system of prior authorization by that of the declaration. The new Act gives citizens the right to form associations on the basis of a simple declaration to the competent authorities. After a period of two months from the submission of the declaration and in the case of silence on the part of the administration, "the association shall be legally constituted and may then

exercise its activities as from the publication of an extract of the association's internal regulations in the Journal Officiel of the Tunisian Republic" (new art. 4). Similarly, the suspension procedure now carries a time-limit, and dissolution concerns only the most serious cases. Whether suspension or dissolution is involved, the decision is taken by the judge only.

147. The Associations Act of 7 November 1959 (No. 59-154) has been supplemented by Organic Law No. 92-25 of 2 April 1992. The purpose of the new law is to involve associations in the strengthening of the democratic process and protect them from the risks of politicization or partisan exploitation. In that connection, the text of the law is clear. It stipulates that "associations of a general nature cannot refuse membership to any persons who promise to respect their principles and decisions, unless those persons are not in possession of their civil and political rights or if their activities and practices are incompatible with the association's goals. In the event of a dispute concerning the right of membership, a person applying for membership may refer the matter to the court of first instance of the place in which the association has its headquarters".

148. As regards implementation, this means that the conditions and modalities for joining the association remain within the competence of the associations as laid down in their internal regulations. The associations alone are empowered to accept or reject the membership of anyone who does not promise to respect their principles or whose activities and practices are incompatible with their objectives. No membership application can be imposed on the associations. However, an applicant whose request for membership is rejected may turn to the competent court. The above-mentioned Act of 2 April 1992 thus lays down a general principle of law, which enables all citizens to have recourse to the system of justice to safeguard their constitutional rights. This principle is provided for in article 14 of the International Covenant on Civil and Political Rights.

149. The new law also prohibits the holding of responsibilities within organizations of a general nature in conjunction with responsibilities in the central management of any political party. This incompatibility is of a temporary nature, since it is for those concerned to choose between the two responsibilities. Thus, there is nothing to prevent someone from founding or joining an association of a general nature while assuming responsibilities in the central management of a political party.

150. The Tunisian League for Human Rights felt that the new text was detrimental to its interests. It refused to comply with the law, which automatically brought about the suspension of that organization's activities. On 23 March 1993, it filed a second petition with the Administrative Tribunal, adducing new legal grounds for a stay of proceedings in respect of the Minister of the Interior's order of 14 May 1992 placing the League in the category of "associations of a general nature". On 26 March 1993, the Administrative Tribunal found in favour of this petition. It ordered a stay of execution in respect of the above-mentioned order of the Minister of the Interior. This stay of execution temporarily lifts the ban on the Tunisian League for Human Rights, in effect since June 1992, until the Administrative

Tribunal issues a decision on the merits. The League may therefore resume all its activities and hold its congress with a view to complying with the provisions of the new Associations Act.

151. The economic, social and cultural rights laid down in article 5 of the Convention are an ongoing concern of the Tunisian State, which has recorded many achievements in this field.

L. Right to work

152. The right to work is set forth in the preamble to the Constitution. The Government has established institutions and developed programmes with a view to promoting training and employment. In this framework, on 30 April 1966 the State enacted the Labour Code and ratified 55 International Labour Organisation (ILO) Conventions (see list in annex 8). The collective agreements, 46 in number, are also aimed at promoting employment and guaranteeing a measure of job stability.

153. Tunisia has ratified Convention No. 29 (1930) concerning Forced or Compulsory Labour and Convention No. 105 (1957) concerning the Abolition of Forced labour, within the meaning of these international texts, which state (especially Convention No. 105) that one of the forms of forced labour is its use as a means of racial, social, national or religious discrimination. The Penal Code, the Code of Penal Procedure and the Code of Military Justice have been amended to take this into account. Sentences involving forced labour or any other similar penalty have been abolished and replaced by prison terms (Act No. 89-23 of 27 February 1989).

154. The State's activities have focused on the adoption of a series of positive measures and incentives for placing workers in jobs and guaranteeing equal labour opportunities and the abolition of discrimination.

155. Equal job opportunities are guaranteed by an active vocational training policy (for information on the right to education and vocational training, see paras. 201-214 below).

156. Special laws and measures have been adopted to promote work by the disabled. Tunisia has ratified ILO Convention No. 159 concerning Vocational Rehabilitation and Employment (Disabled Persons). Act No. 89-52 of 14 March 1989 (for the text, see annex 9) lays down the principles contained in this Convention and states a basic principle at the outset: "The prevention and detection of disabilities, as well as the care, education, vocational training, employment and socio-economic integration of the disabled, are a national responsibility" (art.1).

157. A number of measures have been laid down by law. Regarding education and vocational training, the law provides that education and rehabilitation shall take place as far as possible in ordinary educational establishments or, if this is not possible, in specialized establishments. Vocational training should be received under the same conditions as for able-bodied workers and together with them or, if this is not possible, in specialized vocational training centres.

158. Article 13 states that, "A disability should not prevent a citizen's access to a job if he has the skills required to perform it". The Act introduces a series of protections, including the obligation for all private or public enterprises subject to the Labour Code and employing at least 100 workers to reserve 1 per cent of their posts for disabled persons (art. 15 bis).

159. Tunisia has ratified Convention No. 111 (1958) concerning Discrimination in respect of Employment and Occupation. Article 1 of this Convention defines discrimination as any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation. It has also ratified, on 2 July 1968, Convention No. 100 (1951) concerning Equal Remuneration. As a result of this ratification, the legislature was led to bring the wages of female agricultural workers into line with those of their male counterparts, thus ending the system by which female agricultural workers' wages were 15 per cent lower. A bill was submitted to the Parliament introducing into the Labour Code an article explicitly setting forth the principle of non-discrimination between men and women in labour matters.

160. Provisions on promotions and professional qualifications, especially as amended by the collective agreements, make no distinction between men and women. The coefficients used for the different scales and classification criteria are neutral. One of the principles laid down by the model collective agreement of 1973 reads as follows: "This Convention applies to workers of both sexes without distinction. Girls and women fulfilling the requirements have access to all jobs on the same basis as youths and men, with no discrimination as to classification or remuneration" (art. 11, para. 1). This provision is repeated in various sectoral collective agreements.

161. All professions, therefore, are open to women. There is equal access to vocational training in all specialities. Vocational training programmes are the same for both sexes. The ratification of the 1990 Protocol to International Labour Convention No. 89 Concerning Night Work increases the opportunities for night work by women.

162. The proportion of economically active women has been calculated at 20.9 per cent, but this figure does not take account of the unstructured sector, where most workers are women. The industrial sector has enabled a significant number of women to contribute to the expansion of the economy. Eighty per cent of textile workers are women (for the last few years, the share of the textile sector in GDP has exceeded that of fuel exports). Women make up the majority of agricultural workers: 12 per cent of women manage farms. In addition, the role of women in finance, the economy, industry and the administrative sector is increasing, leading to growing participation in economic decision-making. It should be noted that there are 300 women heads of companies working in the production and business fields.

163. The general statute for the civil service and the general statute for employees in public enterprises provide a number of measures for the protection of mothers. The maximum maternity leave is two months on full pay, which may be combined with annual convalescence leave. Post-natal leave is

granted for a non-renewable period of four months on half pay. Women can therefore accumulate seven months' leave: three on full pay and four on half pay. A circular issued by the Prime Minister allows one hour of breast-feeding time for each work session, for a period of six months.

164. The Labour Code provides for 30 days' maternity leave which may be extended for successive periods of two weeks for up to 12 weeks, and one hour per day from the date of childbirth is allowed for breast-feeding.

165. The administration may allow women with disabled children, at their request, to take early retirement in order to care for their children. In the private sector, Decree No. 74-499 of 27 April 1974 relating to old-age, disability and survivors' pensions in the non-agricultural sector (art. 15 bis) provides for the introduction of a right to retirement with no age conditions, with entitlement to a pension from the age of 50 onwards, to women wage-earners who have at least three living children.

166. The use of foreign labour in Tunisia is governed by the Labour Code, article 258 of which stipulates that any foreigners who wish to practise a salaried profession of any kind in Tunisia must be in possession of a labour contract stamped by the Ministry of Vocational Training and Employment and a valid residence permit marked "authorized to hold a salaried job in Tunisia". The work contract must be in conformity with the model laid down by order of the Ministry of Vocational Training and Employment. It cannot exceed two years in length. These are the only conditions that foreigners need to fulfil. In derogation from this article, foreign workers born and living uninterruptedly in Tunisia are exempted from presenting the work contract but must hold a residence permit.

167. Employers cannot employ foreigners who do not fulfil these conditions. The reason for this prohibition is the need to protect foreign workers from exploitation by employers who might take advantage of their irregular situation. This offence is punishable by a fine of 2-5 dinars per day per worker. In such cases, a worker who continues to work despite official notification by a government employee (labour inspectors and controllers and judicial police officers) shall be liable to a penalty of 1-15 days' imprisonment and/or a fine of 20-50 dinars. A measure of refoulement from the territory may be issued against him on decision by the director of national security (this decision is not subject to immediate execution).

168. Tunisia has concluded agreements with three Maghreb countries (Libya, Algeria and Morocco) enabling nationals of those countries to settle in Tunisia. A large number of nationals of those countries reside in Tunisia and practise various activities.

169. The investment codes enacted in Tunisia to stimulate the agriculture and fishing sectors and the manufacturing, tourism and services industries provide foreign companies that wish to set up in Tunisia with the possibility of employing a certain number of foreigners. Offshore banks and oil companies engaged in research are among the enterprises that can recruit foreigners freely.

170. Tunisia, as a developing country with a rather high unemployment rate, has attempted through its legislation to protect jobs for its nationals and to provide for an opening towards neighbouring countries, subject to reciprocity. The opening towards other countries remains relatively limited.

171. A foreigner lawfully recruited has all the advantages and all the rights enjoyed by Tunisian workers. Article 2 of the model work contract approved by order of the Minister for Vocational Training and Employment, mentioned above, stipulates, "This salary must be at least equal to that of Tunisian workers in the same category employed in Tunisia". Article 3 stipulates, "Workers shall be entitled to the same work regime as Tunisian workers". Article 6 states that in case of suspension of work for reasons of force majeure or dismissal before the expiry of the contract for a reason beyond the worker's control, an employer is bound to repatriate the worker at his own expense. Foreigners are entitled to the employer's contribution to social security and access to industrial tribunals under the same conditions as Tunisians.

172. Freedom of movement has enabled Tunisians to emigrate to other countries. Currently, nearly one Tunisian in fourteen (1/14) is living abroad.

173. Some of the Tunisians working abroad are doing so in the framework of technical cooperation. In 1992, there were 7,348 such workers, distributed as follows:

Near East:	6,805
Countries of the Arab Maghreb:	203
Countries of sub-Saharan Africa:	72
Europe, America and Canada:	268.

Annex 10 contains tables giving detailed data by country and sector of activity.

174. Outside the framework of technical cooperation, a number of Tunisians have gone to Libya, with which two agreements in this field were signed on 15 February 1971 and 6 June 1973. These conventions include safeguard clauses protecting Tunisian workers against expulsion. It is true that some Tunisian workers were expelled from that country in 1985. Those events are in the past and cooperation with Libya has returned to normal. Since independence, Tunisians have also gone to Europe, where nearly 350,000 of them live. They are having to face rejection and various forms of discrimination and racism, like all other nationals of Maghreb countries living in Europe.

175. The reunification of Tunisian families is also subject to restrictions and deterrents. A Tunisian national living in Europe who wishes to have his spouse and children join him faces numerous problems in some countries. This is harmful to the social and psychological balance of the workers concerned. It is another attack on their freedom.

176. In addition, unemployment has begun to affect Tunisian immigrants in Europe. More generally, foreign immigrants are more seriously affected by unemployment than nationals. It is difficult to determine how much of this is due to lack of skills and how much to xenophobia and racism on the part of certain employers.

177. Workers are subjected to discrimination in housing. The types of housing and the urban sectors in which they live often isolate them from the population. Immigrants, and especially Tunisians, are often badly housed and live in insanitary housing.

178. Tunisians, and people from the Maghreb in general, are the victims of growing xenophobia. As a result of this xenophobia, we are witnessing a disturbing increase in hostile acts and behaviour, including denigration, verbal attacks and murders. However, there is also a democratic and tolerant movement in opposition to this hostile behaviour towards immigrants from the Maghreb and developing countries in general.

M. Right to form and join trade unions

179. Freedom of association is one of the freedoms guaranteed by the Constitution. Tunisia has ratified ILO Convention No. 87 concerning Freedom of Association and Protection of the Right to Organise and ILO Convention No. 98 concerning the Application of the Principles of the Right to Organise and to Bargain Collectively. Article 5 of the basic collective convention signed on 20 March 1974 contains provisions which repeat the provisions of the conventions ratified. The right to organize is accorded to all occupational categories - the workers (arts. 242-271 of the Labour Code) and civil servants and State agents (art. 4 of the general statute pertaining to them).

180. Article 242 of the Labour Code provides that trade unions or professional associations may be set up freely. No authorization is required, the only formality to be completed for the formation of a trade union being the deposit of its statutes at the headquarters of the governorate or "délégation" which is territorially competent.

181. Membership of trade unions is freely available, even for foreign workers. However, foreign workers may not be appointed or elected to administrative or executive posts in a trade union without the approval of the Minister of Labour (art. 251).

182. Trade union traditions in Tunisia are very old, dating back to the beginning of the twentieth century. All the trade unions in the country are affiliated to a single trade union federation, the General Union of Tunisian Workers (Union générale des travailleurs tunisiens - UGTT). Trade union unity is a choice made freely by the workers; it puts them in a stronger position to conduct their labour negotiations with the employers and to win acceptance for their demands. The multiplicity of trade union federations is an idea that still finds little favour with the workers for historical reasons going back to the period of the struggle against colonization, when the UGTT defended the workers against the colonial authorities.

N. Right to housing

183. Eighty two per cent of families in Tunisia own their own homes. These dwellings are of various types and include villas, apartments, and traditional houses. Every five years, between 20,000 to 40,000 homes are built, many of which are intended above all to replace dilapidated homes. In absolute figures, the annual increase in new housing is slightly higher than the

population growth, which shows that the needs of the citizens are adequately met. Housing in Tunisia has thus never been an obstacle to marriage.

184. A series of measures have been taken in order to protect the right of all to decent housing. The first was the introduction, by virtue of Act No. 73-24 of 7 May 1973, of a housing savings scheme for the purpose of granting loans for the purchase of new homes, the renovation of old ones or the extension of very small ones. Similarly, by Act No. 77-53 of 3 August 1973, a company for the promotion of social housing was established. Other facilities have been introduced to enable families to purchase durable goods and to meet incidental expenses which exceed their financial capacity. The tables in annex 11 give some statistics on the development of the stock of housing and of housing construction.

O. Right to public health, medical care, social security and social services

185. The right to health is guaranteed by the preamble to the Constitution. This has been confirmed by the legislative authority and the executive authority over the years.

186. Article 1 of Act No. 91-63 of 29 July 1991 concerning the health system provides that "everyone shall be entitled to the protection of his health under the best possible conditions". Article 34 of the same Act sets forth the principle that all shall benefit equally from the public health service by providing that "the public health system shall be open to all persons whose state of health requires its services. Sick persons who have been hospitalized or outpatients shall either be treated free of charge or be charged a fee". Article 35 of the Act asserts the principle of free coverage of needy persons by the public health system. The benefit of free health care is also granted to the spouse of the needy person and to his or her legally dependent children. Free health care is also granted to persons involved in scientific studies or preventive campaigns or who are victims of an epidemic.

187. A free medical assistance programme currently provides free coverage for 779,800 households by issuing them with cards for free treatment in public health establishments. Of these, 116,800 households are given completely free care and 663,000 partly free care. The scheme is now being revised in order to ensure that the benefit of free care is more equitable and that it will cover only the really needy population. Other categories will be liable to pay at a reduced rate, varying according to income.

188. Various other texts also establish the right to health:

- Decree No. 81-793 of 9 June 1981 concerning the organization of the departments of the central administration of the Ministry of Public Health provides for the promotion of basic health services "in order to link more closely the preventive medical and curative care of citizens", and attaches particular importance to occupational medicine.

- The Labour Code, which provides that any enterprise with more than 40 employees shall be required to establish a medical service. This figure may be lowered by decree for certain categories of enterprises and for certain regions.

- Act No. 90-77 of 7 August 1990 establishing the Occupational Health and Safety Institute.

- Act No. 84-70 of 6 August 1984 establishing the National Family and Population Office.

- Decree No. 88-1876 of 4 November 1988 concerning the special prison regulations. Its article 14 affirms the right of prisoners "to treatment and medicine in prison or in hospital".

- Decree No. 91-1761 of 25 November 1991 concerning the Higher Council for the Prevention of Occupational Hazards.

189. The public authorities have, in less than 30 years, succeeded in raising the level of health of the population very significantly. Life expectancy was 48 years in 1960, 58 years in 1975 and 69.2 years in 1991. The infant mortality rate was 51 per 1,000 live births in 1989. Sixty-eight per cent of births were attended by health care personnel during the period 1983-1988. The proportion of vaccinated children under one year of age increased from 51 per cent in 1981 to 90 per cent in 1988-1989. Ninety-one per cent of the population had access to the health services during the period 1980-1987. The proportion of the population which had access to drinking water rose from 35 per cent in 1975-1980 to 64 per cent in 1988. The daily calorie intake increased from 94 per cent of requirements in 1965 to 123 per cent of requirements in 1985. The annual rate of growth of the population fell from 2.2 per cent in 1960-1988 to 1.9 per cent in 1988-2000. The public health system has contributed greatly to the achievement of these results by maintaining one basic health centre per 5,600 inhabitants and two beds per 1,000 inhabitants. The State remains the chief source of financing of the public health sector (84 per cent during the Seventh Plan).

190. Social coverage in Tunisia is broad. A wide range of legislation and regulations has enabled social coverage to be extended to virtually the entire working population: civil servants, agents of public enterprises, agricultural sector employees, fishermen, non-agricultural sector employees, students, self-employed workers in the agricultural and non-agricultural sectors. Bilateral social security conventions cover Tunisians working abroad in the principal host countries. For Tunisian workers employed in countries with which Tunisia has not signed a social security convention, Decree No. 89 of 11 January 1989 has instituted a voluntary insurance scheme.

191. The number of members of national insurance schemes who are actively employed has more than doubled in the space of 12 years, increasing from 607,000 in 1980 to 1,179,000 in 1991.

192. Social coverage in Tunisia is non-discriminatory. Act No. 85-12 of 5 March 1985 concerning the civilian and military retirement and survivors'

pension scheme provides in article 1 that this scheme shall apply "to all agents of the public sector, whatever their administrative status, the terms of payment of their salary, their sex or their nationality".

193. The principle of non-discrimination stated explicitly in this law reflects the spirit which underlies all the social security schemes applicable in Tunisia.

194. In fact, the principle of the equality of all under the social security legislation, regardless of sex or nationality, meets the international standards set by the ILO and in particular its Convention No. 117 concerning Basic Aims and Standards of Social Policy, which has been ratified by Tunisia. The social security schemes apply to all the workers who are liable to contribute, without distinction as to sex. This implies, on the one hand, an obligation to join on the part of the persons liable to contribute, whether they are male or female. On the other hand, workers who are liable to contribute and who meet the conditions laid down by the social security legislation are entitled to the benefits of that legislation. Thus, a woman who has the status of a member of a national insurance scheme enjoys the social security benefits on the same footing as a man, subject to the non-cumulative nature of certain benefits such as family benefits, which are granted only once per household. Apart from this case, a woman who is liable to contribute to social security enjoys social insurance benefits (sickness compensation and health-care benefits) and retirement, invalidity, occupational accident and occupational illness benefits. The woman's rights may also be transmitted to the members of her family in case of death and to her children in particular.

195. In addition, a woman who is a beneficiary of a social security scheme has specific rights that are attached to her status, namely maternity leave or maternity benefit, and the right to early retirement if she has to bring up children.

196. Starting from the principle that the social security legislation is applied throughout the territory, all workers affected by this legislation who are employed on Tunisian territory are liable to contribute to the Tunisian social security schemes irrespective of nationality and, as long as they reside in Tunisia, are entitled to the benefits of these schemes under the same conditions as Tunisian nationals.

197. In this regard, Tunisian legislation conforms to the rules prescribed by ILO Convention No. 118 concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, which has been ratified by Tunisia. This Convention stipulates that the signatory country shall grant to foreign nationals within its territory equality of treatment with its own nationals, both as regards coverage and as regards the right to benefits. The Convention also provides for mechanisms to lift the condition of residence and to guarantee the maintenance of rights within the framework of bilateral reciprocity agreements.

198. In this connection, it should be pointed out that Tunisia has ratified ILO Convention No. 19 concerning Equality of Treatment for National and

Foreign Workers as regards Workmen's compensation for Accidents, which states that residence shall not be a condition for payment of compensation.

199. In addition, 10 bilateral social security conventions have been signed with Algeria, Libya, Morocco, France, Belgium, the Netherlands, Luxembourg, Italy, Germany and Austria. These conventions establish the following principles: confirmation of the principle of equality of treatment in respect of social security; the free transfer of benefits in case of return to the country of origin; the institution of mechanisms to coordinate retirement rights that have been acquired or are being acquired in the country of origin and in the country of employment; the establishment of provisions enabling family benefits and health care to be granted to family members of the worker who have remained in the country of origin.

P. Right to education and training

200. Act No. 91-65 of 29 July 1991 concerning the educational system has served to consolidate Tunisia's achievements in this area (for the text of the Act, see annex 12). The new Act recognizes the right of all children of school age to an education and places an obligation on the State to guarantee this right and to ensure to the greatest possible extent equal opportunities to enjoy this right (art. 4).

201. It should, however, be emphasized that in this case the law confirms a de facto situation inasmuch as the policy of democratizing education which has been pursued for over 30 years has made it possible to offer virtually complete education to children of school age of both sexes.

202. Free education has continued, since 1958, to be considered the best way to ensure equal opportunity for training and education. The principle of free education is reaffirmed in the 1991 Act (art. 4).

203. A table indicating the share of education in public expenditure allocations under the State budget and in GDP appears in annex 13. In 1991, 26 per cent of the State budget was allocated to education.

204. The Act provides that assistance may be granted by the State to pupils from families of modest income. The Higher Education Organization Act of 1989 provides that students may receive assistance from the State in order to pursue their studies. This assistance may take the form of a scholarship, a loan, benefits in kind or other types of aid. At present, considerable assistance is being given to pupils of humble origin at the three levels of education (primary, secondary and higher).

205. At the level of primary education, nearly 250,000 pupils annually receive social assistance from the State in form of school supplies and no fewer than 220,000 receive a meal at the school canteens (especially in the rural areas and in the areas on the periphery of the cities).

206. At the level of secondary education, an effort has been made to build boarding schools which accommodate close to 63,000 pupils - 12 per cent of the total number of pupils. Twenty-one thousand pupils are admitted as

half-boarders, in other words, they are given food but not lodging. Most of the pupils who are full boarders are scholarship holders and consequently do not bear the cost of boarding.

207. At the level of higher education, 46 per cent of students are scholarship holders. These are students whose parents' income, after abatement, is 1,450 dinars or less. In that case, the student is automatically eligible for a university scholarship which is awarded preferentially to students from a poor social and professional background. In the absence of scholarships, students whose parents have a net revenue equal to 4,200 dinars are eligible for a loan. Six per cent of students are granted loans. Furthermore, no less than 44 per cent of students are lodged in university halls of residence and university hostels and contribute only 15 per cent of operating costs. The State also subsidizes meals at university restaurants in the amount of 87 per cent.

208. Compulsory education at the basic school level is one of the great innovations of the outline law of 1991 and it is enforced from the age of 6 to the age of 16 (basic schooling lasts for 9 years). The law provides penalties for guardians who do not conform. It aims at keeping the child in school up to the age of 16. If the child does not graduate successfully, he is not dismissed but guided towards the vocational schools.

209. Tunisia's vocational training policy is the necessary complement to its educational and employment policies (see below).

210. Tunisia has ratified ILO Convention No. 142 of 1975 concerning Vocational Guidance and Vocational Training in the Development of Human Resources. In 1964, a National Board for Vocational Training and Employment was established. After 7 November 1987, this sector underwent a thoroughgoing renewal involving, inter alia, the recent creation of a Ministry of Vocational Training and Employment. The vocational training institutions remove all the obstacles facing women, in order to enable them to take advantage of all opportunities to specialize in the different trades and professions, and this will probably open up new horizons for women in all areas of activity.

211. In 1990, there were 26,190 young people in the vocational training scheme, divided as follows: 21,600 workers, 2,840 technicians and 1,750 employees (secretarial and accounting services).

212. Parallel to this, three sets of measures were developed in the 1980s: the job-training contract scheme which covered 22,583 young people; the pre-vocational internship scheme (SIVP) for higher and secondary school graduates from which nearly 9,000 persons have benefited; and the scheme under which contracts for training periods in a work environment, preliminary employment contracts and firm employment contracts for graduates of higher education are given. Up to March 1991, 303 graduates benefited from this scheme.

213. The law provides a vocational training tax rebate for every participating individual or legal entity that has conducted staff training programmes.

Q. Right to cultural activities

214. Thanks to an active and sustained culture policy, the entire country has been covered by the necessary infrastructure. An example of this is the public library network: in 1986 there were 286 public libraries with 11,570 seats, a collection of 1,787,110 works, and 105,527 subscribers (for further details, see the table on reading by the public according to governorate, the table on the development of the public library network from 1970 to 1986 and the table on the development of the capacity of the public libraries from 1970 to 1986, contained in annex 14).

215. Specialized services in the Ministry of Education and Science are responsible for planning and managing cultural activities for pupils and students in the high schools and universities.

216. The number and distribution of festivals also provide an idea of the extent of public cultural services throughout the country. They number as follows: 17 international festivals, 23 national festivals, 74 regional festivals (Tunisia has 23 governorates) and 156 local festivals (there are nearly 250 communes). The total number of festivals is 270 (for geographical distribution, see annex 15).

217. A series of measures have been implemented since 7 November 1987 in order to stimulate culture. Thus the policy on subsidies was reviewed in order to provide creative artists with the help and encouragement they need. Substantial support was given to the National Culture Committee, which is an agency for the programming, dissemination and subsidizing of cultural activities. The promoters have been given tax and financial advantages for creating new cultural facilities and for investment in the cultural field. New institutions have also been established with the aim of galvanizing the sectors involved in culture. Examples are the conversion of the Baron D'Erlenger House into the Centre for Arab and Mediterranean Music, the establishment of the cultural complex of the city of Tunis, the Museum of Contemporary Plastic Arts, the Museum of Civilization at Ksar Said and the Arts Academy at the Bey Palace at Hammam-Lif, and the conversion of the International Cultural Centre at Hammamet into a Mediterranean Centre specializing in the dramatic arts and of Beyt al-Hikma into an academy of literature, science and the arts. The pluralist, democratic nature of the promotion of culture has been reflected in the encouragement given to the associative sector. In the same progressive spirit, it was decided to reorganize the Higher Council on Culture and to involve the country's specialists and leading forces in working with it. Efforts at decentralizing and strengthening the regional infrastructure have been stepped up, and the regions have been supplied with the necessary facilities, for use among all social categories and in companies, primary and secondary schools and universities. With regard to the protection, preservation and management of the cultural heritage, a heritage code has been prepared and the National Institute for Arts and Archaeology has been reorganized with the aim of making it into a scientific institution specializing in the cultural heritage and parks management. In the area of industries involving culture, efforts have focused on structuring, enacting legislation for promoting cultural investment through customs and tax exemptions, establishing rules governing the cultural professions, amending the legislation on cultural property and establishing

cultural training institutes. Other measures taken have been the use of all areas and buildings suitable for cultural activities, the supplying of primary schools in rural areas with libraries and the increase of the mobile library fleet.

V. INFORMATION RELATING TO ARTICLE 6 OF THE CONVENTION

218. All persons under the jurisdiction of the Tunisian State enjoy the protection and remedies laid down by the law. Two types of remedy exist: non-contentious remedies and contentious remedies.

A. Non-contentious remedies

219. Circular No. 49 of 23 October 1991 issued by the Prime Minister instructs all ministerial departments to establish a "social action and public relations unit" coming directly under the Cabinet and directed by a high-ranking official fully familiar with the administrative machinery.

The functions of this unit are: to receive citizens' claims and petitions, to study them in conjunction with the various administrative services involved and find appropriate solutions; to reply to citizens either directly or by correspondence; and to compile statistics on such petitions and propose the necessary legislative and administrative reforms. A report is sent to the Prime Minister every three months.

220. A recent decree (Decree No. 92-2143 of 10 December 1992) established the post of administrative mediator, modelled after the Scandinavian ombudsman. The mediator is responsible for receiving individual petitions concerning administrative affairs involving citizens. When he finds a claim to be justified, he makes such recommendations as he deems appropriate for settling the difficulties in question. If the administration fails to act, the mediator may refer the matter to the President of the Republic in the form of a report accompanied by his proposals (for the text of the decree, see annex 16).

221. The Administrative Tribunal Act of 1 June 1972 introduced the preliminary administrative remedy. This is a preliminary remedy to the contentious remedy for abuse of power and is intended to provide an amicable settlement of the dispute between the petitioner and the administration.

B. Contentious remedies

222. There are two branches of justice in Tunisia: the judicial branch and the administrative branch.

(a) The judicial branch

223. All citizens have equal access to justice, which is a public service.

224. The principle that access to justice should be free is an illustration of this policy. Clerk's office fees have been abolished.

225. Legal aid is given to needy persons. It allows them to cover auxiliary fees (bailiff-notaries, experts, etc.). Total or partial aid may be granted. Legal aid is provided for all types of remedies: civil, administrative, criminal, juvenile justice, etc. Court-appointed lawyers are given compensation.

226. The equality of all before the law is also respected during the hearing. It is based on two principles: the principle of the neutrality of the judge and the principle of the adversary system.

227. The rules for the courts' jurisdiction are defined on the basis of assigned jurisdiction and territorial jurisdiction (for the distribution of the various courts by level, see annex 17). When a court declares itself competent to judge a dispute that has been referred to it, it must obey the law only; that is a constitutional principle.

(b) The administrative branch

228. Administrative courts hear disputes involving the administration, which may take three forms: appeal, judicial review and annulment of administrative acts. Illegality proceedings before the administrative courts are aimed at ensuring respect for legality by the administrative authorities in conformity with the laws and regulations in force, general legal principles and international conventions (on the last point, see Part One above: Section C (c) the relationship between international treaties and national law).

229. Illegality proceedings are filed against decisions by the central and regional administrative authorities, the local government authorities and public administrative establishments.

230. They can even be filed in the absence of instruments providing for them and in spite of any legislative provisions to the contrary.

231. A decision to annul obliges the administration fully to restore the situation which the annulled act modified or eliminated. Deliberate failure to execute decisions of the administrative courts constitutes gross negligence rendering the administrative authority against which proceedings have been instituted responsible.

232. There are some problems in implementing these remedies, although not very many. The problems are not all due to ill-will on the part of the administration, but rather to genuine legal and practical difficulties: for example, the case of a commune sentenced to provide reparation, which has not budgeted the necessary funds. Throughout its history, the Tunisian administration has shown a genuine concern for legality, and the decisions handed down by the administrative courts are in most cases applied immediately without any need for lengthy enforcement procedures.

233. The conditions of admissibility of illegality proceedings are not discriminatory in any way. The conditions of admissibility regarding the petitioner himself require him to have the capacity to take legal action and

to demonstrate his interest in having the decision annulled. Article 6 of the Act of 1 June 1972 states that the interest adduced may be of a material or merely moral nature.

VI. INFORMATION RELATING TO ARTICLE 7 OF THE CONVENTION

A. Education and teaching

234. The desire to nurture children and young people with the ideals of peace, justice, tolerance and respect for fundamental rights is not a new one in Tunisia. The national education programmes, prepared in the wake of independence, have aimed at using various disciplines such as history, geography and Arabic and French literature to awaken young people's conscience and make them aware of the problems of independence and those of oppressed peoples and minorities.

235. What is, on the contrary, very characteristic of recent years, especially since the educational reform, is the extreme thoroughness with which educational ideas and messages, textbooks and teaching materials are examined and the careful attention given to assessing the extent to which they are imbued with universal principles. One of the major objectives of the educational system is to prepare young people for a life that has no room for any kind of discrimination or segregation based on sex, social origin, race or religion (Act No. 91-65 of 29 July 1991 relating to the educational system, art. 1, para. 3).

236. Thanks to the efforts of the programming committees, the teaching of human rights has been considerably strengthened. The fundamental aspects of human rights are presented at the three levels of education - basic school, secondary school and higher education - as well as in teacher-training programmes.

(a) Human rights at the basic school level

237. An attentive reader of the new basic-school programmes and textbooks (first three years) and of the revised programmes and textbooks for the remaining three years of primary school (fourth, fifth and sixth years) will note that except for civic education, there is at no time any direct reference to human rights. He will also note, however, the extensive changes that have been made in both programme content and textbooks, with a view to instilling in children from an early age feelings of egalitarianism and solidarity and making them public-spirited and democratically minded, while taking into account their level of maturity and their aptitudes.

238. Throughout the six years of the primary-school cycle, universal values are taught through the standard reference to the child's three worlds: school, family and community. The new educational messages are designed in such a way that the principles of equality, solidarity and mutual respect implicitly underlie the child's socialization process in those three areas.

239. The goals and contents of the subjects taught - Arabic, history, geography, civic education and Islamic education - have incorporated these new aspects.

240. In the teaching of Arabic, the topics chosen focus on national feeling, well-balanced families, the mutual understanding that should exist between parents and children, the importance of dialogue among family members, mutual aid and the position of women in society in the past and present (for a table of topics, see annex 18). The changes are even more obvious in the Arabic textbooks and particularly striking in the illustrations. The cover immediately sets the tone: as regards education, boys and girls are equal; they have the same duties towards country, family (sharing responsibilities and domestic tasks) and school (maintaining and embellishing the school). Girls and boys share the same games and no longer live in separate worlds. They perform the same activities in class, in the schoolyard and in the workshop. The inegalitarian family model has disappeared, making way for the model of a united family, sharing the same recreational activities, the same concerns and the same joys. The affectional and educational role of fathers towards children must no longer be neglected; it is as important to them as that of the mother. Old, new, urban and rural worlds shall live together, whether in respect of men, women, lifestyles or living conditions. Children no longer have to choose between polarized models (urban-modern, rural-traditional) but see diversified models drawn from the actual experience of Tunisian society and, later on, from other societies. In class, children can be white or black, poor or disabled, but they are all equal. Beyond the illustrations, the idea of equality between the sexes and of dialogue and participation is reflected in the choices for the exercises: girls and boys, and the members of the family or the group take turns speaking; the sentences are alternately in the masculine and feminine genders.

241. In the last two years of the lower primary school level, history programmes aim at reinforcing the child's Tunisian, Arabic-Muslim identity by stressing the diversity of his origins (Berber, Phoenician, Carthaginian, Roman, Byzantine, Arab, etc.) and their numerous influences on the country's political, economic and social system, the traces of which can still be seen today. Being made aware of the fact that he himself is the product of various contributions throughout history and that these are his greatest strength, the child will be more willing to accept differences, to become aware of other cultures and realize that he belongs to a people that has at various times influenced other cultures, as it has been influenced by them.

242. By studying the environment and geography, from the third year of basic school onwards, the child discovers the demographic, climatic and physical characteristics of his country. He learns to recognize its position with regard to the Maghreb, Africa, the Mediterranean and the other continents. The illustrations in his textbook show him pictures of regions, countries and continents other than his own. He learns to discover others.

243. The goals, teaching methods and textbooks for French are also based on the objectives of equality, mutual understanding and openness towards other civilizations.

244. The introduction to human rights at the basic school level takes place beginning in the third year, through civic education, now being taught as a specific subject. A trainer's training programme is being planned in order to provide qualified teachers for this subject.

(b) Human rights in secondary education

245. Nearly all the subjects taught at the secondary level contain, to some extent, a specific reference to human rights. In addition to civic education, which devotes many of its programmes to human rights teaching, all the other subjects participate, indirectly or directly but explicitly, in human rights teaching. The tables of topics contained in the official programmes are a clear indication of this.

246. Textbooks and manuals deal with non-discrimination in an explicit manner. This topic arises often in secondary-school programmes, textbooks and manuals.

247. It is found first of all in Arabic, in the third year of secondary school, where it is one of the pupils' main centres of interest. Through the study of liberation movements, alliances formed at the Africa-wide level (OAU) and independence movements, civic education provides young people with many opportunities to discuss the problem of racial segregation and its development throughout history and over continents (black revolt in America, apartheid).

248. Islamic education programmes miss no opportunity to refer to the status of absolute equality enjoyed by Bilal, the liberated black slave who followed the Prophet into exile and who, on returning to Mecca, was ordained first muezzin of Islam. The programmes in this subject are based on the idea of tolerance. They teach the pupil that being a follower of one religion should not involve excluding the others. Books in this subject now include writings by authors whose main feature is their enlightened and tolerant attitude.

249. A number of items in the French textbook for the second year of the secondary cycle speak of racism and the situation of black people in America (Richard Wright, Black Boy, pp. 27 and 28).

250. In the senior year, the text of the Universal Declaration of Human Rights is incorporated into the philosophy textbook, together with the texts of the famous philosophers.

(c) Human rights teaching in higher education

251. The law faculties have been responsible for the teaching of human rights at the higher education level. This is logical in that these institutions bear the main responsibility for training skilled national personnel who will later on play a decisive role either in making the laws or in ensuring their enforcement, or in the functioning of the institutional and legal system as a whole. It is also in these institutions that study and research is conducted in the field of legal and political sciences, which alone will help develop the human, legal and administrative context that ensures respect for public freedoms and fundamental rights.

252. With the help of the international and national context, the idea has taken shape in recent years that in addition to the conventional teaching provided for in the legal and political science programmes, courses should be provided that are more specifically oriented towards human rights and activities connected with that subject should be expanded.

(d) Activities relating to human rights in the three levels of education

253. In addition to the official programmes and to activities strictly related to teaching, there are many channels open to children and young people, throughout their studies, for learning the values of mutual respect, cooperation, friendship and democracy.

254. In the first place, pupils are given two opportunities during the school year to receive information on human rights and fundamental freedoms and to discuss it.

255. The first is in connection with the international Human Rights Day. Since 1989, a tradition has been established in schools and institutions of celebrating the 10th of December of every year, the date of the proclamation of the Universal Declaration of Human Rights. Special activities also took place in the schools in connection with the World Summit for Children in 1990 and United Nations Day in 1991. The same happens on the anniversary of the founding of the Greater Arab Maghreb. These international occasions are used to draw young people's attention to the importance of alliances for maintaining peace and strengthening solidarity among peoples, and to the humanitarian role of the United Nations and its specialized agencies.

256. The second occasion is the commemoration of 7 November in the primary and secondary schools. The circular sent to teachers on this occasion stresses the need to stimulate discussion among pupils on the principles contained in the Declaration of 7 November, which are: love of country and patriotism, democratic behaviour, and the sacred nature of the laws. Teachers should use these discussions to raise pupils' awareness of the need for hard work and application, the need to respect differing opinions and accept the majority opinion, which is the basis of democratic behaviour, and finally, the supremacy of the laws, which are the guarantee of a sound organization of society.

257. At the secondary level, in addition to discussions and special study sessions organized in the classes, essay contests are held for pupils in the sixth and seventh years of secondary school and fourth-year students at the teacher-training colleges.

258. In addition, every year secondary-school pupils are invited to participate in the Maghreb and international mathematics olympics, which are an excellent opportunity for them to pit their knowledge against that of young people from other countries.

259. Efforts are also made to provide numerous occasions for international exchanges between primary schools, high schools and universities. Twinning with Maghreb, Arab and European institutions is encouraged, and Tunisian universities develop sustained relations with Maghreb and European universities and universities on other continents. Such relations are often established in the framework of inter-university agreements providing opportunities for scientific cooperation, exchanges among professors and students and research assistance.

B. Culture

260. The Culture policy is aimed at consolidating the achievements of the education sector by pushing back the barriers of ignorance and disseminating the cultures of other peoples with a view to instilling the values of tolerance and respect for differences.

261. Several means are used to promote this policy. Cultural exchanges with other countries is one of the main ones. Tunisia is linked to many countries (see list in annex 19) by cultural cooperation treaties. Numerous artists are invited to Tunisia throughout the year, especially to the 17 international festivals held in Tunisia. Forty per cent of the programming of these festivals is devoted to contributions by foreign artists. One of the festivals is the popular arts festival, which has been inviting folk groups from all countries since the 1960s. The national and local festivals also include foreign acts in their programmes. Another very important event is the Carthage film festival; competition is open to Arab and African films, but the information part programmes films from all over the world. Further information on the programming of the Carthage film festival can be found in annex 20.

262. Books are free of import duties. The international book fair, an annual event, is very popular with Tunisians. In addition, a network of public libraries services the entire country; the libraries have a genuine impact on access to books, especially foreign books.

263. There are several foreign cultural centres in Tunisia (see list in annex 21). They organize frequent language courses which are very well-attended, despite fairly high enrolment fees. Tunisians like to learn foreign languages. It is not unusual to find Tunisians who are perfectly trilingual. The languages in greatest demand (leaving aside Arabic and French) are English, Italian, German and Spanish.

C. Information

264. In the area of information on human rights, the Ministry of Information, through the Tunisian External Communication Agency, produces and disseminates publications aimed at promoting knowledge of human rights among the media and the public at large.

265. The non-governmental organizations based in Tunisia produce and disseminate various publications dealing with human rights issues.

266. The Centre for Research, Documentation and Information on Women (CREDIF), a public body attached to the Ministry on the Status of Women, has the role of strengthening women's rights and protecting women against all forms of discrimination. To that end, it publishes various brochures and other works and disseminates them among decision-makers and communicators.

267. In November 1992 at Tunis, the Union of African Journalists and the African Commission on Human and Peoples' Rights organized an African Conference on "The Journalist and Human Rights in Africa".

268. The Conference's recommendations were submitted to the Regional Meeting for Africa held at Tunis from 2 to 6 November 1992 as part of the preparations for the World Conference on Human Rights (Vienna, June 1993).

269. The initial part of a library specializing in human rights was opened at Tunis on 10 December 1992 in order to enable Tunisian journalists to inform themselves regularly on the development of human rights questions and to provide the public at large with information on human rights.

270. Generally speaking, the Tunisian media produce all sorts of newspaper articles and radio and television broadcasts on human rights whenever current developments so require. Meetings and symposia are regularly organized on the role of the media in publicizing and defending human rights.

List of annexes*

1. Declaration of 7 November 1987

2. National Covenant

3. Tunisian Constitution

4. List of international human rights treaties ratified by Tunisia

5. Political Parties Act, No. 88-32, of 3 May 1988

6. Press Code

7. Associations Act

8. Table of ratifications of ILO Conventions by Tunisia

9. Promotion and Protection of Disabled People Act, No. 89-52 of 14 March 1989

10. Tables on the number and distribution of Tunisians on voluntary service abroad

11. Housing statistics

12. Educational System Act, No. 91-65 of 29 July 1991

13. Table on the share of public expenditure allocated to education in the State budget and in GDP

14. Tables on reading by the public and the public library network

15. Distribution of festivals by governorate and type

16. Decree No. 92-2143 of 10 December 1992 establishing the post of administrative mediator

17. Distribution of the courts by level

18. Human rights in the teaching curricula

19. Cultural cooperation agreements with foreign countries

20. Statistical data on the Carthage film festival

21. List of foreign cultural centres in Tunisia

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* These annexes are available for consultation in the files of the United Nations Centre for Human Rights.